

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

210

CRM-M-23182-2021

Date of Decision: 19.01.2023

Ankur Gupta

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Sumeet Goel, Sr. Advocate with
Mr. Paramvir Singh Parmar, Advocate for the petitioner

Ms. Dimple Jain, AAG, Haryana
(assisted by Inspector Hari Kishan)

Mr. Vishavjeet, Advocate for
Mr. Tanvir Singh Grewal, Advocate for complainant

JAGMOHAN BANSAL, J. (Oral)

On 29.06.2021, following order was passed:-

“Learned senior counsel appearing for the complainant has invited the attention of this Court to Annexures A-1 to A-3 with CRM-17352-2021 to hammer forth his contention that the petitioner had been blackmailing and extending threats to the prosecutrix.

He has contended that the prosecutrix was lured into a relationship by the petitioner on the false pretext of marriage and made to establish physical relations with him. However, when the prosecutrix realized that the petitioner had no intention of solemnizing marriage with her, she decided to distance herself from the petitioner. However, she was blackmailed into continuing their relationship by the petitioner after being threatened that intimate photographs

of the prosecutrix clicked by the petitioner would be made viral. He has in particular referred to Annexure A-3 which is an audio transcription of a meeting between the petitioner, his parents, prosecutrix and her parents on 07.03.2021 at Panchkula. It has been vehemently contended that the audio transcript left no manner of doubt that the petitioner had indeed been threatening and blackmailing the prosecutrix and, he did indeed have in his possession certain intimate photographs of the prosecutrix with him which could be misused by the petitioner.

Learned senior counsel for the petitioner has however reiterated his submissions made on the last date of hearing. He has invited the attention of this Court to whatsapp text conversations annexed as Annexure P-8 with CRM-17304-2021 to show that there was no question of extending threats or blackmailing the prosecutrix as alleged since she had been continuously in touch with the petitioner. In particular he has referred to whatsapp text messages between them of 7th March 2021. He has submitted that these messages were exchanged between the prosecutrix and petitioner after the meeting on 7th March 2021 between them and their parents at Panchkula on which a great deal of stress was laid by the learned senior counsel for the prosecutrix to substantiate the allegations of blackmailing by the petitioner. It has been submitted by the learned senior counsel for the petitioner that in the whatsapp text messages the prosecutrix had admitted that the petitioner had not blackmailed her nor extended threats to her. He further contended that had the prosecutrix been black mailed or threatened as alleged, she would not have been continuously texting him even after 7th March, 2021.

Meanwhile, petitioner is directed to join the investigation as and when required by the investigating officer. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Code of Criminal Procedure, 1973.

Adjourned to 27.08.2021.”

The interim protection granted by afore-stated order was extended from time to time and parties were directed to appear before Mediation and Conciliation Centre of this Court which could not be fructified.

Mr. Sumeet Goel, learned senior counsel appearing for the petitioner, submits that petitioner in compliance of orders of this Court has already joined investigation.

Ms. Dimple Jain, AAG, Haryana, learned State counsel on instructions from Inspector Hari Kishan, submits that petitioner has joined investigation and no custodial interrogation is required.

In view of the above, the petition is allowed and the interim bail granted to the petitioner vide order dated 29.06.2021 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.

If the petitioner or his family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State

would be at liberty to move an application for cancellation of bail granted by this order.

(JAGMOHAN BANSAL)
JUDGE

19.01.2023
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>