

Neutral Citation No. 2024:PHHC: 071946

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IN THE HIGH COURT FOR THE STATES OF PUNJAB AND  
HARYANA AT CHANDIGARH

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CRM-M-11891-2024 (O&M)  
Date of decision: 21.05.2024

Ankit Dahiya

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Karambir Singh Nalwa, Advocate  
For the petitioner.

Mr. A. S. Samra, AAG, Punjab.

Mr. Arvinder Singh, Advocate  
For respondent No.2/complainant.

MANISHA BATRA, J. (Oral)

1. This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case bearing FIR No. 99 dated 14.08.2023, registered under Section 376 of IPC and Section 67-A of the Information Technology Act (Section 376-D of IPC added later on) at Police Station Anandpur Sahib, District Rupnagar.
2. Brief facts of the case relevant for the purpose of disposal of the present petition are that the aforementioned FIR was registered on 14.08.2023

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on the basis of complaint lodged by the prosecutrix 'K' (*name withheld*) alleging therein that in the year 2020, she was studying in BA first year in a college at Anandpur Sahib and due to outbreak of Covid-19 pandemic, there was lockdown. Online classes were started by the college by forming group of different students. The present petitioner and co-accused, who were members of her group, managed to procure her personal cell number and started sending messages on the pretext of exchanging study notes with her. Sometime thereafter, they sent her some lewd messages, due to which she blocked their number. On resumption of the classes, the petitioner and the co-accused apologized for their acts and assured her not to do so in future. The prosecutrix forgave them and gradually friendly and cordial relations were developed between them. She alleged that one particular day, while in college, the petitioner and the co-accused took her to college canteen wherein she was offered some cold drink on consuming which she felt dizziness and lost consciousness. When she regained the consciousness, she found herself lying in the vehicle of the petitioner Ankit Dahiya. On asking, they showed a video in which they were shown committing rape upon her. By extending threats that they would make her video viral, if the incident was disclosed by her to anyone, they kept on harassing and blackmailing and due to fear, she did not disclose anything to anybody.

3. As per the further allegations, after completing her education, the prosecutrix had shifted to Delhi in the year 2023 for making preparations for UPSC examination, when the petitioner Ankit Dahiya managed to contact her and by forcibly procuring her address wherein she was living as a Paying Guest, he reached there and tried to commit rape upon her and also extended

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threats. She further alleged that he had been demanding an amount of Rs.50 Lakhs and otherwise threatened to upload her videos. During the course of investigation, the statement of the prosecutrix was recorded under Section 164 of Cr.P.C. on 16.08.2023. The petitioner Ankit Dahiya was arrested on 15.08.2023. His medical examination was conducted. Investigation has since been completed and challan has been presented in the Court. He had moved an application before the learned Judge, Special Court for grant of regular bail but the same had been dismissed, vide order dated 16.02.2024.

4. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. He is in custody since 15.08.2023. The investigation has since been completed. The trial is likely to take time. The victim has made contradictory statements at different stages of investigation with regard to commission of acts of rape upon her by the petitioner, therefore, her version as set up by the prosecution against him is not worthy of any credence. No recovery remains to be effected from him as the mobile phone, which was allegedly used by him for clicking obscene photographs of the victim, has since been recovered. The medical examination report does not connect the petitioner with the subject offences. No useful purpose would be served by keeping him in custody anymore. It is also argued that vide order dated 10.04.2024, passed by the Hon'ble Supreme Court, the arrest of co-accused Aakash Kumar, whose case is on similar footing with the present petitioner, has been stayed, subject to the condition that he would cooperate for investigation. Therefore, it is urged that the petition deserves to be allowed.

5. Status report has been filed by the respondent-State. Learned State counsel has vehemently argued that there are serious allegations against the petitioner. He had induced the victim to be in friendly relation with him and on the pretext of the same, he had made her consume some intoxicating drink in the year 2021, on consuming which, she lost her consciousness and the petitioner and co-accused Aakash Kumar committed rape upon her. Thereafter, in the year 2023, the petitioner, by extending threat to her that he would upload her obscene videos on the social media, took her to a room in Delhi, where she was preparing for competitive examinations, and attempted to commit rape upon her and clicked her photographs. Thereafter, he kept her confined in his car and there also, he attempted to commit rape upon her. He demanded an amount of Rs. 50,00,000/- from her and otherwise threatened to upload her obscene videos on the social media. On non-fulfillment of his demand, the petitioner had morphed her video and uploaded the same on the internet and also sent the same to her parents. The victim is yet to be examined. There are chances of her being intimidated or the petitioner's absconding, if extended benefit of bail. Therefore, it is urged that the petition is liable to be dismissed.

6. I have heard learned counsel for the petitioner and learned State counsel and have gone through the material placed on record carefully.

7. Learned counsel for respondent No. 2/complainant has also filed reply submitting therein that the petitioner is not entitled to bail as he has ravished the victim on the pretext of being her friend. He has again attempted to commit rape upon her in the year 2023, when she was preparing for

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competitive examinations in Delhi. He clicked her obscene photographs and has also morphed her video and thereafter he has uploaded the same on the social media and also sent the same to her parents. He urges for dismissal of the petition.

8. The petitioner is alleged to have committed rape upon the victim along with co-aaccused Aakash Kumar during the period when she was doing her graduation in Anandpur Sahib and is further alleged to have kept on molesting and extending threats to her. In her statement recorded under Section 164 of Cr.P.C., the victim has specifically stated that the petitioner had committed rape upon her, though she was not sure that such act was committed in the car, as she had lost her consciousness on consuming the drink offered by the petitioner and when she regained her senses, she was made to watch a video by the accused persons, then she came to know that she had been ravished by the petitioner. Hence, it was quite obvious for her to not remember the place of occurrence. The petitioner had again managed to meet her in the year 2023, where she was preparing for competitive examinations, and had twice attempted to commit rape upon her by extending threats to upload her obscene video and photographs on the social media, which he had done later on and had also sent the same to the parents of the victim. The allegations against the petitioner are quite serious and specific in nature. He had not only ravished the victim but had also morphed her video and had uploaded the same on the social media and made further attempts to commit rape upon her in 2023. The case of co-accused Aaksash Kumar, whose arrest has been stayed by Hon'ble Supreme Court, cannot be stated to be on similar

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footing with the petitioner as the victim, in her statement recorded under Section 164 of Cr.P.C., has exonerated him from the allegations of committing rape upon her. The victim is yet to be examined. There is apprehension of the prosecution that the petitioner can abscond, if enlarged on bail. There is nothing on record to show that there would be any delay in conclusion of trial. Keeping in view the gravity of allegations as levelled against the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, I am of the considered opinion that this petition does not deserve to be allowed. Accordingly, the same is dismissed.

9. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

21.05.2024  
*Waseem Ansari*

(MANISHA BATRA)  
JUDGE

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