

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

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CRM-M-15313-2024 (O&M)
Date of decision: 29.04.2024

Anil Dhiman alias Anil Kumar ...Petitioner

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Swarn Tiwana, Advocate
for the petitioner.

Ms. Ruchi Sabherwal, Sr. DAG, Punjab.

Mr. Ankit Joshi, Advocate
for respondent No. 2.

MANISHA BATRA, J. (Oral)

- Through the instant petition, filed under Section 438 of Code of Criminal Procedure, 1973, the petitioner seeks anticipatory bail in case FIR No. 15, dated 23.01.2024, under Sections 376 and 506 of IPC at Police Station City Rajpura, District Patiala.
- Vide order dated 22.03.2024, passed by this Court, the petitioner was released on interim bail and was directed to join investigation. Order dated 22.03.2024, passed by this Court, reads as under:

“The petitioner is seeking pre-arrest bail in case arising out of FIR No.15 dated 23.01.2024 registered under Sections 376 and 506 of IPC at Police Station City Rajpura, District Patiala on the basis of written complaint filed by the complainant-‘C’ (name withheld) alleging therein that she was working as a sweeper in a College. Construction work had been going on in her house in the year 2022. The co-accused namely, Naresh Dhiman @

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Harmesh Chand Dhiman and his son (present petitioner) are in the business of shuttering, cement, sand, Bajri etc. The prosecutrix used to purchase material from them and both the petitioner and co-accused used to visit her house for the purpose of supply of the building material. In the month of August 2021, she alleged that during his visits, the co-accused started enticing her. He used to visit her house in the absence of her husband and developed physical relationships with her by promising that he would not charge any money for supplying construction material for her house and will also fulfill all her needs. When she used to avoid him, then, he started extending threats to kill her husband and child also if she did not maintain physical relationship with him. She further alleged that by extending such threats to her, the co-accused maintained sexual relationship with her on daily basis and against her wishes. She had even become pregnant but the pregnancy was got terminated by him. She further alleged that subsequently, present petitioner-Anil Dhiman, who is the son of co-accused, also started blackmailing her by saying that he was having her videos with his father and would show the same to her husband. He too, started having physical relations with her. She alleged that subsequently, the co-accused had started instigating her husband against her and due to which, the relations between her and her husband had become strained and he had even filed a divorce petition. She, therefore, prayed for taking penal action against the culprits.

The present petition has been filed on the ground and it is argued by the counsel for the petitioner that the petitioner has been falsely implicated in the present case. In fact, the dispute between them and the prosecutrix was with regard to payment of an amount of ` 60,000/- which

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was pending against her and on raising demand of the same from her, she had implicated him as well as his father in this case. The prosecutrix is a married woman with one child. His custodial interrogation is not required. He is ready to join the investigation. The co-accused has already been granted concession of anticipatory bail by this Court vide order dated 26.02.2024.

Notice of motion.

Learned State counsel who has appeared on advance notice of the petition, seeks time to file status report in the matter.

At this stage, on oral request of learned counsel for the petitioner, the prosecutrix is ordered to be impleaded as respondent No.2 in this petition. Amended memo of parties be filed by the counsel for the petitioner today, itself.

Notice to respondent No.2 be issued for 02.04.2024 after filing process fee by the petitioner.

In the meantime, the petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when subsequently required thereafter. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on interim bail on furnishing personal/surety bonds to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 438(2) Cr.P.C. ”

3. Learned State counsel, assisted by learned counsel for the complainant/respondent No. 2, on instructions from the Investigating Officer, has submitted that the petitioner has joined investigation on 05.04.2024 and he is not required for custodial interrogation.

4. Keeping in view the above mentioned facts and circumstances, without commenting on the merits of the case, the present petition is allowed

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and the order dated 22.03.2024, granting interim bail to the petitioner, is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

29.04.2024

Waseem Ansari

(MANISHA BATRA)

JUDGE

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No