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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-23804-2024

Date of decision: 03.10.2024

Mohit Singla

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Tanvir S. Grewal, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

This petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No.45 dated 29.03.2024 (Annexure P-1) under Sections 354/354-A/354-B/506/509 of IPC registered at Police Station Bhawanigarh, District Sangrur, Punjab.

On 13.05.2024, the following order was passed:-

'The instant petition has been filed under Section 438 Cr.P.C by the petitioner seeking grant of pre arrest bail in case arising out of FIR No.45 dated 29.03.2024 registered under Sections 354, 354-A, 354-B, 506 and 509 of IPC at Police Station Bhawanigarh, District Sangrur, Punjab on the basis of statement recorded by the complainantk (name withheld) alleging therein that the petitioner - accused used to run a shop under the name and style of Mohit Singla Finance with his father. She had joined his shop as computer operator from 26.07.2021. In the absence of his father, the petitioner tried to get intimate with her while posing as a gentleman and by making attempt to gain her confidence. As his overtures started increasing gradually which were not responded by the complainant, therefore, he started using foul language with her and even started abusing her. She alleged that at the end of May, 2023, she had gone to prepare tea on the first floor of the shop when the petitioner climbed upstairs and tried to outrage her modesty, sexually harassed her and used criminal force to even disrobe her. She managed to push him away with great difficulty and saved herself. While she was leaving his shop, the petitioner extended threat to involve her in a case of theft, if she disclosed about the incident to anyone and also offered that he would make her rich, if she developed relations with her. Out of fear and in



order to save the reputation of her family, the complainant kept quiet for some time and continued going to the shop of the petitioner. She apprised about the acts of the petitioner to her parents and they stopped her from going to work at his shop w.e.f. 28.06.2023. Thereafter, she had filed complaints against the petitioner to the Police which were being enquired into. She further prayed for taking action against the accused-petitioner. On the basis of this statement, the aforementioned FIR was registered. The investigation is under way. The petitioner had moved an application for grant of pre-arrest bail before the Court of learned Addl. Sessions Judge, Sangrur which had been dismissed.

It is argued by learned counsel for the petitioner that he runs postal service at Bhawanigarh, District Sangrur. The parents of the complainant had requested him to employ her as a computer operator at his shop some time around June, 2021. In fact, an FIR No.106 dated 29.06.2023 was got registered by him against one-Ricky and some unknown persons who had entered into his shop with intention to commit theft and had caused injuries to the petitioner. He did not know that the above said Ricky was in relationship with the complainant. The complainant had stopped coming to work at his shop from 28.06.2023 onwards. She had implicated him falsely in this case to avenge the registration of FIR against the above said Ricky. She had filed the FIR on false and vague allegations and even the exact date when the petitioner had allegedly sexually harassed her, had not been mentioned in the FIR. The petitioner was married on 10.5.2023 to one Parul and the allegations qua commission of alleged offences by the petitioner were also made at approximately the same time which were palpably false and wrong on the face of record. The factum of relationship between the Ricky-accused of the complaint lodged by the petitioner with the complainant stands fully established from the call detail record, copy of which has been placed on record as Annexure P-4. The petitioner is ready to join the investigation. His custodial interrogation is not required. Therefore, it is argued that the petition deserves to be allowed.

Learned State counsel who has advance notice of the petition seeks time to file status report.

At this stage, on oral request of learned counsel for the petitioner, the complainant is ordered to be impleaded as respondent no.2.

Amended memo of parties be filed.

Adjourned to 02.08.2024.

At this stage, power of attorney has been filed on behalf of respondent no.2.

Reply, if any, be filed on behalf of respondent no.2 on the next date of hearing.

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.'

Learned State counsel on instructions from SI Jasbir Singh, at the very outset informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.

In view of the statement of learned State counsel, order dated 13.05.2024 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 438(2) Cr.P.C.

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

03.10.2024
Neha

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No