



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

202

CRM-M-28059-2024 (O&M)

Date of Decision: 04.10.2024

Ajmer Sarif

.... Petitioner

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Dhruv Sihag, Advocate for the petitioner.

Ms. Aakanksha Gupta, A.A.G., Punjab.

Dr. MS Jandiala, Advocate
for respondent No.2-complainant.

NIDHI GUPTA, J. (ORAL)

Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No. 37 dated 26.04.2024 (Annexure P-2) under Sections 376 and 506 IPC (Sections 27/54/59 of Arms Act, 1959 added later on) registered at Police Station Hathur District Ludhiana Rural.

On 29.05.2024, when this case was listed for hearing, following order was passed by this Court:-

“Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.37 dated 26.04.2024 (Annexure P-2) under Sections 376 and 506 IPC, registered at Police Station Hathur District Ludhiana Rural.

Learned counsel for the petitioner, inter alia, submits that the petitioner has entirely been falsely implicated in the



matter as, in actual fact the petitioner and the complainant/respondent No.2 herein, were in a consensual relationship. Although, this fact has been admitted by the complainant in the FIR, however, she has contradictorily alleged that the petitioner had made her objectionable videos, and on the threat of making viral the said objectionable videos, he had continued physical relations with her. It has further been stated in the FIR that thereafter, the petitioner had also promised to marry the complainant. Learned counsel for the petitioner submits that the said statements are, on the face of it, falsified, as the petitioner himself is already married and so is the complainant. In this regard, learned counsel refers to the Marriage Certificate of the complainant at Annexure P-4; as also the complaint filed by present husband of the complainant against the complainant under Sections 323, 191, 192, 193, 417 and 506 IPC, Police Station City (Annexure P- 3). It is further informed that the complainant has already been married twice before and has a child from her previous marriage. She has admitted in the FIR that the petitioner has been paying the school fees of her son, which transactions have been made online. She has also admitted that the petitioner is "real good man and was helping me in my troubled times". It is accordingly contended that the allegations contained in the FIR are false and fabricated.

Notice of motion.

On asking of the Court, Mr. Kunwarbir Singh, AAG, Punjab accepts notice on behalf of respondent-State and Dr. Malkit Singh Jandiala, Advocate puts in appearance and accepts notice on behalf of respondent No.2/complainant.

Learned counsel for the State, supported by learned counsel for the complainant opposes the prayer made on behalf of petitioner and submits that serious allegations



have been made in the FIR to the effect that the petitioner had threatened the complainant with the revolver that he would kill her if she did not enter into physical relations with the petitioner. It is submitted that the petitioner has not yet joined the investigation and the mobile phone as well as the revolver are yet to be recovered from the petitioner and for this purpose custodial investigation of the petitioner is necessary. However, learned State counsel seeks time to file detailed status report in the matter.

At this stage, learned counsel for the petitioner prays for grant of interim relief to the petitioner and undertakes that the petitioner will join the investigation and co-operate with the Investigating Agency.

Adjourned to 17.09.2024.

In the meantime, the petitioner is directed to appear before the SHO/Investigating Officer to join investigation; and upon doing so, no coercive action shall be taken against the petitioner.”

Learned counsel for the petitioner submits that in compliance of the order dated 29.05.2024 passed by this Court, the petitioner has joined the investigation on 02.10.2024.

Learned counsel for the State submits that vide order dated 29.05.2024, the petitioner was directed to join investigation. Thereafter, on 17.09.2024, it was pointed out by learned counsel for the State that although the petitioner had joined investigation, however he was not cooperating with the investigating agency as he had failed to surrender his mobile phone which was alleged to be containing the objectionable videos of the complainant.



Learned counsel for the State, on instructions from ASI Manohar Lal, today informs that the petitioner has joined the investigation on 02.10.2024 and has also surrendered his mobile phone, which will be sent for FSL. The petitioner is co-operating with the investigating agency, and no further interrogation is required, at this stage.

It is also pointed out by learned counsel for the State that after granting of interim bail to the petitioner by this Court, the complainant had filed another complaint dated 11.06.2024 alleging that the petitioner was defaming the complainant before her relatives. Learned counsel for the State, again on instructions, submits that the allegations made in the said complaint were found to be false and accordingly, the said complaint has been consigned.

Learned counsel for the complainant vehemently opposes the prayer made on behalf of the petitioner and submits that the allegations made against the petitioner are serious to the effect that the petitioner had forcibly made physical relations with the complainant against her will. It is also submitted that the petitioner is threatening to make the objectionable videos of the complainant viral in case she did not accede to the demand of the petitioner for physical relations.

In view of the submissions made by learned counsel for the State, order dated 29.05.2024 granting interim bail to the petitioner is made absolute.

However, the petitioner will abide by the conditions stipulated under Section 438(2) Cr.P.C. He will also join the investigation



and cooperate with the investigating agency in case he is required for the same in future as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that the petitioner is required for the investigation but is not cooperating, it will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

Pending application, if any, stands disposed of.

04.10.2024

Divyanshi

**(NIDHI GUPTA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No