



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

CRM-M-33404-2024
Reserved on: 07th August 2024
Date of decision: 23rd August 2024

RAHUL KUMAR ALIAS RAHUL SONIPetitioner
versus

STATE OF PUNJABRespondent

CORAM:- HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present:- Mr. Jasinder Singh Sekhon, Advocate
for the petitioner.

Ms. Himani Arora, AAG, Punjab.

Mr. Chander Kant Rana, Advocate
for the complainant.

HARPREET KAUR JEEWAN, J.

1. The instant first petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail in case FIR No.213 dated 21.06.2024, under Sections 376, 354, 506 IPC, 1860, registered at Police Station City Kharar, District SAS Nagar, Mohali (Annexure P-1).
2. Learned counsel for the petitioner contends that the petitioner and the complainant resided in a live-in relationship from November 2023 to 09.05.2024. The factum of the relationship of the petitioner and the complainant is evident from the photographs (Annexure P-3). There is no medical evidence of the complainant. The present FIR has been registered as a honey trap on the instructions of an AIG posted in the State of Punjab. It is further contended that the petitioner and the complainant were in live-in relationship since November 2023 and the complainant had never made any complaint of harassment or torture during the said period.



3. On the other hand, the learned State counsel and the learned counsel for the complainant have opposed the present petition on the ground of gravity of allegations levelled against the petitioner. It is contended that even after the registration of the FIR, the petitioner has been threatening the complainant as well as the Investigating Officer. The counsel for the complainant contends that the complainant has to leave India due to the threats of the petitioner.

4. Learned State counsel has filed status report dated 04.08.2024 by way of affidavit of Sh. Karan Singh Sandhu, PPS, Deputy Superintendent of Police, posted at Sub-Division Kharar, District SAS Nagar, Mohali, on behalf of respondent-State of Punjab, which is taken on record.

5. I have heard the learned counsel for the parties and perused the relevant documents.

6. The FIR was registered at the instance of the complainant, who has alleged that she is a resident of Himachal Pradesh and was doing the business of property dealing as a freelancer in the area of Kharar, Mohali. During this period, the petitioner met the complainant and they became friendly with each other. The petitioner and the complainant started working together and the petitioner used to pay a salary of Rs.40,000/- to the complainant apart from the commission on deals. Earlier, the complainant was residing in Gulmohar Complex. However, later on, on the asking of the petitioner, she shifted in a flat situated in Amyra Green, where other girls are also residing and the petitioner used to deduct a sum of Rs.7,000/- from her salary for providing residence. Thereafter, the complainant started residing in the said flat. One day, the petitioner came in the room of the complainant and he forcibly developed



physical relationship with her. Thereafter, the petitioner started threatening the complainant that he is having relationship with a gangster and he can eliminate the prosecutrix and her family. The petitioner continued to threaten the complainant and ultimately, she informed her family members and got registered the present FIR.

7. As per the status report dated 04.08.2024, during the course of investigation, the Station House Officer received an e-mail from the victim on 23.06.2024 wherein, she stated that the petitioner is giving her threats with dire consequences through WhatsApp calls from his mobile No.9914530111. The WhatsApp chat dated 23.06.2024 (Annexure R-1) is part of the status report. It is further mentioned in the status report that the petitioner is also sending threatening messages to the Investigating Officer SI Dilbagh Singh through WhatsApp and in this regard, DDR entry dated 06.07.2024 (Annexure R-1/C) has been registered in the Police Station.

8. The statement of the victim has also been recorded under Section 164 Cr.P.C. through Video Conferencing by the Area Magistrate. The victim has also disclosed that she is being threatened on the phone. On the basis of the statement of the victim recorded under Section 164 Cr.P.C., the offence under Section 376(2)(n) IPC has been added vide GD No.37 dated 02.08.2024.

9. The investigation is at an initial stage. The identity of the petitioner is not in dispute. The complainant-victim is alleged to have left India due to the threats extended by the petitioner. The allegations regarding links of the petitioner with the gangster (named in the FIR) are yet to be investigated.

10. Keeping in view the facts and circumstances of the present case and in view of the fact that after registration of the FIR, the complainant left



India and her statement under Section 164 Cr.P.C. has been recorded through Video Conferencing, however, the petitioner is making an attempt to halt the investigation by sending threatening messages to the complainant as well as making threatening calls to the Investigating Agency, in such circumstances, the petitioner is not entitled to the concession of anticipatory bail.

- 11. Consequently, the present petition stands dismissed.
- 12. Pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

23rd August 2024
simran

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