



Sr. No.208

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

CRM-M-47954-2023 (O&M)

Date of decision: 11th November 2024**HARDEEP SINGH****.....Petitioner****versus****STATE OF PUNJAB****.....Respondent****CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. M.S. Khaira, Advocate
for the petitioner.

Mr. Davinder Bir Singh, Sr. DAG, Punjab.

Mr. Siddharth Gupta, Advocate
for the complainant.

HARPREET KAUR JEEWAN, J. (ORAL)

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.132 dated 08.09.2023, under Sections 354, 354-A, 354-D IPC, 1860 (Sections 323 and 341 IPC added later on), registered at Police Station Sadar Dhuri, District Sangrur (Annexure P-1).

2. As per the order dated 14.12.2023, following contentions were recorded on behalf of the complainant:-

“xxx xxx xxx xxx

Learned counsel for the complainant has stated that the petitioner after getting the concession of interim anticipatory bail by this Court on 22.09.2023 has been threatening and pressurizing the complainant to withdraw her complaint or else he would viral her photographs and videos. Learned counsel for the complainant has further contended that in this regard a complaint has been given at Police Station Dhuri Sadar vide UID No.243415. It is further the contention of learned counsel for the



complainant that the petitioner is sending messages to the complainant at odd hours.

xxx xxx xxx xxx”

3. As per the status report dated 08.04.2024, an inquiry was made with regard to the complaint dated 09.10.2023 (Annexure R-1/T). The mobile phone of Hardeep Singh and Balvir Singh were got examined from the Forensic Science Laboratory. However, statement of the complainant, wherein, she had stated that she does not want to take any action on her complaint, was consigned to record room.

4. Learned counsel for the complainant submits that the petitioner has himself relied upon the various photographs (Annexure P-3), which are alleged to be taken during the What'sApp chat, which indicate that the petitioner has not given his actual mobile phone to the Police for investigation.

5. Learned counsel for the complainant further contends that apart from filing an application to the Police regarding harassment, after availing interim bail, the petitioner has even approached various persons with the complaint that the complainant may be asked to withdraw the present FIR failing which, the petitioner had threatened to make the photos and videos of the prosecutrix viral. The duly-sworn affidavit of the Sh. Gurmail Singh s/o Sh. Balwant Singh, has been shown in the Court.

6. Learned counsel for the petitioner submits that the report of the mobile phone examination by the concerned department may not be called.

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

8. The present FIR has been registered at the instance of the complainant with the allegations that the petitioner has been acting with an



intent to outrage her modesty and he was guilty of the offence of sexual harassment. There are also allegations of stalking attracting offence under Section 354-D IPC. The FIR was lodged by the prosecutrix by narrating specific allegations. The specific incident dated 01.09.2023 has also been mentioned in the FIR, whereby, the prosecutrix was allegedly stopped on her way to school on duty. It is an allegation that the petitioner caught hold of the hand of the prosecutrix and said in the open public “*why are you not talking to me?*”.

8.1 It is further an allegation that the prosecutrix had to take the help of her husband and due to the harassment, she consumed ‘*Colin*’ lying in her bathroom. The photographs (Annexure P-3) *prima facie* indicate the video call conversation *inter se* two persons.

9. Keeping in view the specific allegations against the petitioner and further keeping in view the version of the complainant that after availing the concession of interim bail, the petitioner is still continuing to harass the prosecutrix, no ground is made out to grant the concession under Section 438 Cr.P.C. to the petitioner.

10. Consequently, the present petition stands dismissed.

11. Interim order dated 22.09.2023 stands vacated.

12. Pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

11th November 2024
simran

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