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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-50921-2024(O&M)
Decided on : 17.02.2025

ROHAN BHATIA

. . . Petitioner

Versus

STATE OF PUNJAB

. . . Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present : Mr. Naveen Bawa, Advocate
for the petitioner.

Mr. R.S.Thind, DAG Punjab.

Mr. Kulwant Singh, Advocate
for the complainant.

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KIRTI SINGH, J. (Oral)

1. Apprehending arrest in FIR No.281 dated 14.09.2024, under Sections 354, 420 and 506 of IPC, registered at Police Station Division No.7, District Ludhiana, the petitioner has preferred this petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of anticipatory bail.

2. The brief facts of the case are that afore-stated FIR got registered on the statement of the complainant, wherein she stated that after the completion of her 12th standard, she intended to go abroad, for which, her father consulted his friend, who further introduced him to Rohan Bhatia, an IT professional. Bhatia, along with his associates Paramjot and Sahil, assured her father that he would train the complainant in IT. During this period, her father, a handicapped individual, showed Bhatia his closed factory, which led Bhatia to propose a business

partnership. In January 2023, they established Techsea Digicore Private Limited at the complainant's residence. Her father invested heavily in the business, purchasing office equipment and providing Rs.5,00,000/- for a server. In October 2023, Bhatia further convinced him to invest Rs.15,00,000/- for a project, leading her father to sell half of his factory. Additionally, Rs.3,00,000/- was loaned for Bhatia's sister's marriage, and Rs.2,60,000/- was later taken for server-related expenses, among other amounts, totalling a fraud of Rs.50,00,000/-. In April 2023, when the complainant inquired about the server, Bhatia allegedly showed her obscene photos, claiming he had drugged her. He threatened to release the images online if she disclosed the matter to anyone.

3. Learned counsel for the petitioner inter alia submits that petitioner has been falsely implicated in this case. The petitioner had friendly relations with the complainant, and due to this, the complainant's mother proposed their marriage. The complainant has concealed that her father, Harmeet Singh, and the petitioner jointly established M/s. TECHSEA DIGICORE PRIVATE LIMITED, a registered company with the Directorate General of Foreign Trade, through which they conducted business transactions. The dispute is purely civil in nature. Earlier also, the complainant had filed an application against the petitioner by levelling same allegations, as levelled in the present case and after conducting a thorough inquiry, it was found that no offence against the petitioner is made out and the matter is of civil nature.

4. *Per contra*, learned State counsel and counsel for complainant has opposed the submissions made by counsel for the petitioner. He, while relying on status report dated 08.01.2025, submits that the present FIR was registered upon the complaint of the victim, who detailed the petitioner's misconduct, including

unauthorized access to company servers, refusal to return vital resources, and threats when confronted. The petitioner, Rohan Bhatia, allegedly misused his position within the complainant's company to withhold critical resources, such as servers, laptops, and confidential data, and created unauthorized email accounts using company credentials. Furthermore, the petitioner transferred funds meant for company use to his own account without authorization. Furthermore, the petitioner transferred funds meant for company use to his own account without authorization. A preliminary inquiry was conducted, during which substantial evidence, including documentary proof and witness statements, confirmed that a cognizable offense had been committed. The petitioner’s role involved manipulating company operations, embezzling funds, and taking inappropriate photographs of the complainant by administering intoxicants to her. Evidence against the petitioner includes a recovery list of misappropriated articles, corroborating witness statements, digital evidence, and financial records linking him to the offences. Despite being granted interim bail on 15.10.2024, the petitioner has failed to get recovered the misappropriated articles and cooperate with the investigating agency. On 20.11.2024, when asked about his cooperation, the petitioner’s counsel provided no clear instructions, resulting in the vacation of the interim bail order. Efforts to locate the petitioner, including multiple raids and attempts to track his mobile numbers, have been unsuccessful, with the petitioner reportedly evading arrest. Given the seriousness of the charges, including embezzlement of Rs. 57,64,000/- and the taking of obscene photographs, the petitioner is not entitled to any relief from this Hon’ble Court.

5. Heard the rival submissions made by learned counsel for the parties and perused the record.

6. In ***Srikant Upadhyay and others vs. State of Bihar and another, 2024 (INSC) 202 (SC),*** Hon'ble Supreme Court held as under:

> *"It is thus obvious from the catena of decisions dealing with bail that even while clarifying that arrest should be the last option and it should be restricted to cases where arrest is imperative in the facts and circumstances of a case, the consistent view is that the grant of anticipatory bail shall be restricted to exceptional circumstances. In other words, the position is that the power to grant anticipatory bail under Section 438, Cr.P.C. is an exceptional power and should be exercised only in exceptional cases and not as a matter of course. Its object is to ensure that a person should not be harassed or humiliated in order to satisfy the grudge or personal vendetta of the complainant. (See the decision of this Court in HDFC Bank Ltd. v. J.J.Mannan & Anr. 2010 (1) SCC 679).*
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> *Further, it was clearly observed in para No.24 of the judgment (supra) that "**though in many cases it was held that bail is said to be a rule, it cannot, by any stretch of imagination, be said that anticipatory bail is the rule.** It cannot be the rule and the question of its grant should be left to the cautious and judicious discretion by the Court depending on the facts and circumstances of each case. While called upon to exercise the said power, the Court concerned has to be very cautious as the grant of interim protection or protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation to a great extent as it may sometimes lead to tampering or distraction of the evidence. We shall not be understood to have held that the Court shall not pass an interim protection pending consideration of such application as the Section is destined to safeguard the freedom of an individual against unwarranted arrest and we say that such orders shall be passed in eminently fit cases. At any rate, when warrant of arrest or proclamation is issued, the applicant is not entitled to invoke the extraordinary power. Certainly, this will not deprive the power of the Court to grant pre-arrest bail in extreme, exceptional cases in the interest of justice. But then, person(s) continuously, defying orders and keep absconding is not entitled to such grant."*

7. In ***Sushila Aggarwal v. State (NCT of Delhi) (2018) 7 SCC 731***, the Constitution Bench reaffirmed that when considering applications for anticipatory bail, courts should consider factors such as the nature and gravity of the offences, the role attributed to the applicant, and the specific facts of the case.

8. In ***Siddharam Satlingappa Mhetra v. State of Maharashtra & Ors. reported in (2011) 1 SCC 694*** rendered in the context of the discretion to grant

Anticipatory Bail under Section 438, Hon'ble Supreme Court advocated the need to balance individual personal liberty with societal interest and observed:-

> *"84. Just as liberty is precious to an individual, so is the society's interest in maintenance of peace, law and order. Both are equally important."*

9. There are serious allegations levelled against the petitioner. The petitioner is accused of embezzling a sum of Rs. 57,64,000/-. It has also been alleged that the petitioner took obscene photographs of the complainant after administering intoxicating substances. Accordingly, to unearth the true dimension of the alleged crime, this Court does not deem it appropriate to interfere in the matter so as to grant the concession of anticipatory bail to the petitioner at this stage.

10. The petition is dismissed.

11. Needless to mention that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

12. Pending application(s), if any, also stands disposed of accordingly.

(KIRTI SINGH)
JUDGE

17.02.2025
Kavita

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