



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

**CRM-M-35436-2025 (O&M)
Reserved on:- 07.8.2025
Date of Decision: 11.8.2025**

Mahant Rohit Giri

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Sartaj Singh Narula, Advocate
for the petitioner.

Mr. Luvinder Sofat, Sr. DAG, Punjab and
Ms. Aakanksha Gupta, AAG, Punjab.

Mr. Tanvir Singh Attariwala, Advocate
for the complainant.

KIRTI SINGH, J. (ORAL)

1. The jurisdiction of this Court under Section 483 BNSS has been invoked for grant of regular bail to the petitioner in case FIR No. 65 dated 14.4.2025 under Sections 74 and 351(2) BNS, 2023, registered at Police Station Division 6, District Police Commissionerate Ludhiana.

2. The translated version of the FIR is reproduced below:-

“I am a resident of the above-mentioned address and am doing a private job. I am having a matrimonial dispute with my husband Harpal Singh and in this regard my husband has also filed a case before the Hon'ble Court because of which I am living separately. Because of matrimonial dispute, someone suggested me to get a Havan performed. About one year ago, I went to Haridwar, Uttarakhand, and the Havan was performed by Pandit Rohit Giri, son of Ramesh Giri, resident of Village Chandighat, Haridwar, Uttarakhand. I got acquainted with Pandit Rohit Giri who used to tell me that in case I have any problem, I can share the same with him and he would make all my problems go away. Pandit Rohit Giri



performed two Havans where-after he told me that he wants to perform a Havan at my house so that all my problems are resolved. He took my address and my phone number. I came back to my house in Ludhiana and Rohit Giri used to call me on my WhatsApp number from different numbers and used to tell me that he wanted to meet me and would be visiting Ludhiana very soon. I told him that I am not available, and I do not wish to get Havan performed right now. Rohit Giri came to Ludhiana on 14.03.2025 and asked me to meet him near Transport Cut, main GT Road, Dholewal, Ludhiana. On his asking, I reached there at about 3/4 P.M. where I met Rohit Giri. He came out of his car and asked me to sit inside the car with him as he wanted to talk. When I refused and asked him to talk there only, Rohit Giri said that I was about to face serious difficulties and in case I wanted a solution, then they should sit in the car and talk. I sat in the car and Rohit Giri started the car and drove it to a deserted place and stopped the car. Rohit Giri held my hand and told me that he loves me and has specially come to Ludhiana to meet me and that I should love him back. I resisted but he did not stop, he pulled me towards him and started touching my private parts and tried to force himself upon me. I asked him to leave me or else I will raise hue and cry. Upon this, he threatened to kill me and said that in case I told anybody, he would kill me and my family. I opened the door of the car and managed to save from his hands. Even now, Rohit Giri is threatening me to develop relations with him or else he will destroy me. Till now, I did not disclose this to anyone out of fear that it will harm my reputation and now I have gathered strength to approach you. Legal action be taken against Rohit Giri.”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in the present FIR at the behest of his wife, in conspiracy with her associates, with the intention of usurping the petitioner from his position of Chief Trustee of Maa Bhagwati Chandi Devi Mandir, Haridwar, Uttrakhand, of which the wife of the petitioner is also a lifetime trustee. It is submitted that the entire conspectus of the cases instituted against the petitioner including the instant case as also another FIR bearing No. 49 dated 21.5.2025 under Sections 109(1), 303(1), 308(2),



308(3) and 61(2)(b) of BNS, Police Station Shyampur, District Haridwar, can be deduced as an attempt to change the dynamics of management and management of the said trust. The learned counsel, as his initial submission, points out that there is an inordinate delay of one month in lodging the present FIR, inasmuch as the present FIR was got lodged on 14.4.2025, whereas the date of the alleged occurrence is 14.3.2025. It has further been argued that the allegations levelled in the present FIR are vague and preposterous. Moreover, the version of the complainant is doubtful, as she in the instant FIR, has neither disclosed the registration number or make of the vehicle allegedly used by the petitioner at the time of incident, nor the location where the alleged incident had taken place. Moreover, the complainant has also failed to disclose as to how and when she met the petitioner at Haridwar and on which date, she got performed Hawan from the petitioner, besides also not disclosing the mobile numbers purportedly used by the petitioner to contact her. It is submitted that in actuality, the petitioner was not present at the spot, on the alleged date of occurrence i.e. 14.3.2025, but he was at Haridwar, celebrating the festival of Holi with his family members. To corroborate the said averment, reliance has been placed on the photographs annexed as Annexure P-3, Annexure P-13, and Annexure P-13/A. It has also been vehemently contended that even after the occurrence of the alleged incident as has been painted by the complainant, she transferred money to one of the employees at the Trust and to the petitioner himself, on 29.3.2025 and 30.3.2025 respectively. To buttress his submission, the learned counsel referred to the photocopy of the online transactions (Annexures P-14 and P-14/A). Learned counsel for the petitioner has further argued that the police has straightway arrested the petitioner without issuing a notice to him, as mandated under Section 35(3)



of BNSS, thereby the guidelines issued by the Apex Court in the case titled as ***Arnesh Kumar versus State of Bihar 2014(8) SCC 273*** have been violated.

4. The further plank of argument raised by learned counsel for the petitioner is that as per challan, the mobile number of the complainant has been mentioned as 98766-48285, whereas the call details records annexed with the challan are of the mobile phone were attached by mentioning mobile No. 97194-09897. In fact, even the mobile number attributed to the complainant by the investigating agency belongs to an official who is deputed in the Court Complex, Ludhiana. Moreover, the investigating officer has failed to conduct thorough enquiry in the case, insofar as the CDRs and tower locations of the above said phone numbers have not been obtained. It is submitted that in fact an application for preservation of the said details with respect to the mobile phones of the petitioner, and further seeking directions to the complainant to disclose her mobile number and the numbers from which she allegedly received calls from the petitioner so that their records can be preserved, has been moved on behalf of the petitioner. Learned counsel submits that the petitioner has been in custody since 14.5.2025, and in view of all the submissions made hereinabove, deserves to be released on regular bail.

5. *Per contra*, learned State counsel as well as the learned counsel for the complainant have vehemently opposed the submissions made by the learned counsel for the petitioner, contending that the petitioner was actively involved in the commission of the offence. It is submitted that not only have specific allegations been levelled against the petitioner in the complaint, but also, the same have been reiterated by the complainant in her statement recorded under Section 183 BNSS. Learned counsels have, in conjunction,



submitted that the complainant has specifically pleaded that she had the fear of reputational damage, because of which she initially refrained from approaching the authorities, and thus the factum of delay cannot be presumed to benefit the petitioner in any way. The learned counsels further argued that the photographs placed on record by the petitioner showing his presence at Haridwar are not authenticated, and thus cannot be relied upon. Even otherwise, all the points raised hereinabove by the learned counsel for the petitioner are questions of fact, the veracity of which would be determined in due course of trial. The learned counsel for the State has also brought to the notice of this Court that the petitioner through his associates has been threatening the complainant to compromise the matter, and in this regard, the complainant has also filed a complaint bearing No. 30/PGD dated 22.6.2025. Learned State counsel also emphasizes that the trial is currently pending for framing of charges, and there is every likelihood of the complainant prosecutrix being influenced/threatened, and the evidence being tampered with. Further, there is one other case registered against the petitioner at Haridwar. It is, therefore, submitted that in view of the serious allegations levelled the petitioner and also given the conduct of the petitioner, he is not entitled to the concession of regular bail.

6. Learned State counsel has filed custody certificate and the same is taken on record. As per custody certificate, the petitioner has undergone an actual custody of 02 months and 20 days. He on instructions from the concerned investigating officer submits that challan has been presented on 21.7.2025 and charges are yet to be framed.

7. Heard the rival submissions made by learned counsel for the parties.



8. Pertinently, there is a delay of one month in lodging the present FIR with respect to the alleged incident that took place in Ludhiana. It is the specific averment that the petitioner travelled all the way from Haridwar to Ludhiana to commit the alleged offence. Challan in the instant case was presented on 21.7.2025 after the completion of investigation in the instant case, however, no compelling evidence has been put-forth by way of the same. Moreover, on a pointed query having been made to the learned counsel for the complainant, he has not been able to advance any satisfactory reasoning explaining the monetary transaction initiated at the end of the prosecutrix after the date of the alleged occurrence.

9. The petitioner has undergone actual custody of 02 months and 20 days. Investigation in the case is complete and the challan against the petitioner stands presented. The veracity of the allegations levelled against the petitioner shall be established during the course of the trial. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India including the right to speedy trial, and is against the principle “Bail is a rule, jail is an exception” as elucidated in the judgment of Apex Court in *“Dataram Singh vs. State of Uttar Pradesh and another”*, (2018) 3 SCC 22.

10. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. Insofar as the possibility of the petitioner attempting to influence the trial, as is apprehended by the learned counsel for the complainant, this



Court deems it appropriate to impose the following conditions on the petitioner:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/intimidate the prosecution witness(s).
- (iii) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (iv) The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which he is suspected.
- (v) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.
- (vi) The petitioner shall not try to approach the complainant or anyone known to her, either himself or through a third party, for any reason whatsoever.
- (vii) The petitioner shall not leave the country without prior permission of the Court.

11. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.

12. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which



are only for the purpose of adjudicating the present bail petition.

13. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

August 11, 2025
Gurpreet Singh

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