

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 109

CRM-M-19513-2020 (O&M)

Date of decision : 20.07.2020

Bant Singh and another

..... Petitioners

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Ms.Dhivya Jerath, Advocate, for the petitioners.

Mr.Saurav Khurana, DAG, Punjab.

DEEPAK SIBAL, J. (ORAL)

Case taken up through video conferencing.

Through the present petition the petitioners seek the grant of anticipatory bail in FIR No.198 dated 06.06.2020, registered under Sections 384, 506 and 120-B IPC at Police Station City Sangrur, District Sangrur.

The case of the prosecution is that Jaswant Singh made a complaint to the police that about 5/6 months ago he had gone to Sangrur to buy medicines where he was introduced to the petitioners by his relative namely Hardev Singh. After about 15 days when the complainant again went to Sangrur he met the petitioners alongwith one Raj Kaur @ Komal d/o Baljit Kaur who invited him for tea. Reluctantly, he accepted the invitation and was taken to Baljit Kaur's house where, after consuming a drink the complainant lost his senses and when he regained consciousness he found that 3-4 ladies had taken him to a room and after forcibly removing his clothes had clicked naked photographs of his on their mobile phones. These photographs were then shown to the complainant and he was blackmailed to get money or else such photographs would be used to register a criminal case/FIR against him. The

complainant borrowed Rs.1.50 lakhs from a private financier and paid the same. Later, the petitioners repeatedly called the complainant and blackmailed him. Out of fear and to save his respect, on different occasions, the complainant paid money to the petitioners. On at least two occasions such payments were made after withdrawing money from his bank account. On continued demands made by the petitioners he also borrowed money from financiers and paid the petitioners. In all Rs.24,80,000/- was paid by the complainant to the petitioners. When he could not bear it any longer he approached the police with the aforesaid complaint on the basis of which FIR under Sections 384, 506 and 120-B IPC was registered.

Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case; there were no witnesses to the allegation of handing over of money by the complainant to the petitioners; the entire story is improbable; there was four months unexplained delay in lodging of the FIR and that the offences were triable by a Magistrate.

On the other hand, learned State counsel submitted that on each occasion when the complainant had succumbed to the blackmailing by the petitioners he had given details as to from where he had arranged the funds; investigations conducted so far had revealed that from the date of occurrence there were over two hundred calls exchanged between petitioner No.1 and the complainant and over four hundred calls between petitioner No.2 and the complainant giving credence to the complainant's version as given by him in the FIR; over two hundred calls were also found to have been exchanged between petitioner No.2 and co-accused Raj Kaur @ Komal against whom another similar complaint by one Jagsir Singh @ Jaggi was pending wherein he has complained that on 14.05.2020 Raj Kaur @ Komal, after inviting him to her house, had taken his nude photographs and was blackmailing him.

According to learned State counsel the petitioners alongwith co-accused Raj Kaur @ Komal etc. were indulging in a scam of enticing respectable persons; giving them intoxicating drinks; taking their nude photographs in the presence of ladies and then blackmailing them.

The allegations against the petitioners are found to be serious as they are alleged to have intoxicated a respectable gentlemen; taken off his clothes; taken his nude pictures and then used such pictures to blackmail him. Lakhs of rupees have been alleged to have been taken by the petitioners and their co-accused from the complainant through such blackmailing.

The reason behind hundreds of calls exchanged between the petitioners and the complainant as also the petitioners and co-accused Raj Rani @ Komal is required to be gone into. In the light of the afore referred complaint by Jagsir Singh against co-accused Raj Kaur @ Komal which is on similar lines as in the present case it needs to be investigated as to whether the petitioners and their co-accused have indulged in other cases of similar nature. The exact *modus operandi* adopted by the petitioners is required to be deciphered. The identity of the other ladies involved in the present case is also required to be revealed. The petitioners need to be questioned with regard to the contents of their respective cell phones. Recovery of the money allegedly paid by the complainant is yet to be made.

In the light of allegations of blackmailing it cannot be ruled out that the petitioners may attempt to influence the complainant with the material that they may have with them.

In the light of the above reasons, which are not exhaustive, custodial interrogation of the petitioners is considered necessary and resultantly, the present petition for grant of anticipatory bail is dismissed.

It is clarified that the above observations have been made only for

the limited purpose of deciding the present anticipatory bail application at the time when investigation into the allegations against the petitioners is pending and thus the same would not be construed to be an expression of opinion on the merits of the case.

20.07.2020
shamsher

[DEEPAK SIBAL]
JUDGE

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