

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.202

Case No. : CRM-M-53106-2022

Date of Decision : December 06, 2022

Raju Singh Petitioner
vs.
State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

* * *

Present : Mr. Ravinder Singh, Advocate
 for the petitioner.

Ms. Himani Arora, AAG, Punjab.

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GURBIR SINGH, J. :

This is a petition under Section 438 Cr.P.C., filed by the petitioner, seeking anticipatory bail in case FIR No.137 dated 16.09.2022 (Annexure P-1), under Sections 323, 384, 506, 120-B IPC (Sections 380 and 457 IPC added later on), registered at Police Station Dhanaula, District Barnala.

Vide order dated 17.11.2022, passed by this Court, Status Report by way of affidavit of Satvir Singh, PPS, Deputy Superintendent of Police, Sub Division Barnala, has been filed in Court today, which is ordered to be taken on record.

I have heard learned counsel for the parties and perused the case file.

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: 2 :

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case as no specific role is attributed to the petitioner. The complainant has taken money from the co-accused Paramjeet Kaur and now, he has cooked the story of alleged incident/offence to escape the liability towards the co-accused. He is not even named in the FIR. Still, he is ready to join investigation as and when required. It has also been apprised to this Court that two co-accused of the petitioner have been granted regular bail by the Court of learned Chief Judicial Magistrate, Barnala.

Learned State counsel, on the other hand, has opposed the bail petition submitting that the allegations involved in this case are serious in nature and granting concession of anticipatory bail to the petitioner may hamper the investigation.

A bare perusal of the record in this case reveals that the petitioner, in connivance with his other co-accused, entered into criminal conspiracy to extort money worth Rs.1,00,000/- from the complainant and on 12.09.2022, called him for match-making of his maternal aunt's son. Co-accused Gurmail Singh and Paramjeet Kaur took him to some unknown girl's house, where a girl aged about 30 years was present. The petitioner came and started beating the complainant saying that he had done wrong with his wife. Clothes of the complainant were forcibly removed and obscene video of the complainant was prepared. Thereafter, they started blackmailing the complainant demanding an amount of Rs.5,00,000/- from

him and threatening him of teaching a lesson to him if he talked with anyone regarding the said incident. On the request of being poor person by the complainant, the accused persons agreed to accept an amount of Rs.1,00,000/-. The accused persons also got executed a pronote from him as a security of the said amount. The phone of the petitioner, through which obscene video of the complainant was prepared, is yet to be recovered.

The name of one Rajveer Singh was included in the FIR in question, later on he was identified as the petitioner and photograph of the petitioner is also there on the pronote. Moreover, it has been submitted in the Status Report filed today in Court that co-accused Prabhjot Kaur @ Gagan disclosed that name of Rajvir Singh was wrongly mentioned in the pronote got executed from the complainant, whereas actually, it was the petitioner who, under a well-planned conspiracy to extort money from the complainant, committed the crime.

Keeping in view the totality of circumstances, the offence seems to be very serious. The mobile phone, with which obscene video of the complainant was made, is yet to be recovered. The act of the accused is so daring that they got executed a pronote from the complainant as security for recovery of an amount of Rs.1,00,000/-, which was the result of blackmailing and attempt to extort. Two criminal cases under the Punjab Excise Act are already registered against the petitioner. The custodial interrogation of the petitioner is necessary. In such cases, if a person is equipped with an order of anticipatory bail, interrogation becomes a mere ritual. This view of mine finds support from a judgment passed in the case

of State represented by the C.B.I. vs. Anil Sharma reported as 1997
(7) SCC 187 wherein it has been specifically held that :-

*“...Success in such interrogation
would elude if the suspected person knows that he
is well protected and insulated by a pre-arrest bail
order during the time he is interrogated. Very often
interrogation in such a condition would reduce to
a mere ritual.”*

Accordingly, keeping in view the gravity of the offence and the
fact that recovery of mobile phone is yet to be effected, no ground for grant
of anticipatory bail is made out.

Dismissed.

However, nothing contained herein above shall be construed as
an expression of opinion on the merits of the case.

December 06, 2022
monika

(GURBIR SINGH)
JUDGE

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