

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

**CRM No.49018 & 49019 of 2022
CRM-M No.52842 of 2022 (O&M)
Date of decision : 16.12.2022**

Mohit Sood

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. A.S.Pahwa, Advocate
for the petitioner.

Mr. Aman Dhir, DAG, Punjab.

Mr. Dharminder Singh Randhawa, Advocate
for the complainant-respondent No.2.

PANKAJ JAIN, J. (ORAL)

CRM No.49018 of 2022

This is an application for impleading Narinder Singh s/o Late Sh.Tarsem Lal as respondent No.2.

For the reasons recorded, the application is allowed subject to all just exceptions. Narinder Singh s/o Late Sh.Tarsem Lal, resident of H.No.1708/9, Street No.1, Mayapuri, Tibba Road, Ludhiana is ordered to be impleaded as respondent No.2. Amended memo of parties is taken on record. Registry is directed to make necessary correction in the memo of parties.

CRM No.49019 of 2022

For the reasons recorded, the application is allowed. Reply on behalf of respondent No.2 is taken on record.

CRM-M No.52842 of 2022

The petitioner has prayed for grant of pre-arrest bail in FIR No.195 dated 02.10.2022 registered under Sections 384/506 IPC at Police Station Tibba, District Ludhiana.

As per the case of the prosecution complainant-Narinder Kumar leveled allegations that petitioner-Mohit Sood succeeded to cheat gold jewellery and cash from Sourav under the threat of life and during investigation it is found that on 10.03.2021 petitioner has taken an amount of Rs.55,000/- from Muthoot Finance Branch Baba Thaan Singh Chowk, Ludhiana after mortgaging gold chain, on 19.3.2021 petitioner took Sourav, nephew of the complainant to the same branch and also took gold loan of Rs.17,220/- after mortgaging gold pair of ear rings. Video record of this incident is presented in the pendrive. At the time of taking the loan, petitioner disclosed his father's name as Darshan Lal Narula and address as House No.4226, Street No.1, Ward No.18, Shivaji Nagar, Ludhiana. During investigation petitioner also admitted that he has taken one mobile phone and one gold ring from Sourav from Rajinder Singh son of Tarlok Singh resident of H.No.7532, Street No.1/1, Guru Gobind Singh Nagar, Tibba Road, Ludhiana. From the investigation it is proved that petitioner has cheated gold jewelry and mobile from the nephew of complainant Sourav.

Counsel for the petitioner has emphatically argued that it is a case wherein the petitioner is being victimized and present FIR is an off shoot of the FIR registered at the behest of the petitioner against the family of the complainant. He further submits that apart from bald allegations there is no cogent evidence to support such allegations.

Status report dated 15.12.2022 by way of affidavit of Gurdev Singh, PPS, Assistant Commissioner of Police (East), Ludhiana on behalf of State has been filed. The same is taken on record. Paras No.4 and 5 thereof read as under :-

“4. That preliminary enquiry on the above noted complaint of the complainant was conducted by SI Baldev Raj of P.S. Tibba during which various persons were joined in the enquiry and their statements were recorded and ultimately it was revealed that 16 years old Nephew of the complainant namely Sourav was residing with the complainant who was studying in 10+1 standard in Decent Public School and in front of the complainant's house, there is house of the present petitioner and both the families used to visit each others' house. It was further revealed from CCTV footage of Muthoot Finance Company that on 10.03.2021 the present petitioner had taken the complainant's Nephew to Muthoot Finance where the complainant's Nephew handed over a gold chain against which the present petitioner obtained loan of Rs.55,000/-. Similarly on 17.03.2021 petitioner again took the complainant's Nephew to the said Muthoot Finance company where the complainant's Nephew handed over gold earrings against which the petitioner obtained loan of Rs.17,220/-. In this regard there is CCTV footage of the said Finance Company. It was further revealed that the present petitioner had also obtained one mobile phone and one gold ring from the complainant's Nephew. Thus, it was revealed that the petitioner has fraudulently obtained gold ornaments and mobile phone from the complainant's Nephew by threatening to blackmail him and therefore commission of offence punishable u/s 384, 506 IPC is made out against the present petitioner. The said enquiry report of SI Baldev Raj was further examined and verified by the SHO, thereafter by the then ACP, thereafter by the ADCP- 4 and the same was finally approved as well by the Commissioner of Police, Ludhiana. Accordingly, FIR No.195 dated 02.10.2022, u/s 384, 506 IPC, P.S. Tibba, Ludhiana has been registered against the petitioner.

5. That thus, the petitioner, who is accused for blackmailing the complainant's minor Nephew and thereby committing fraud as mentioned above, is not entitled for the concession of anticipatory bail which is an extra ordinary relief and the same is granted only in exceptional cases. Further investigation is still pending and the Video and Photographs on the basis of which the petitioner used to blackmail the complainant's

Nephew are yet to be recovered from the petitioner and therefore custodial interrogation of the petitioner is very much required by the police”.

Keeping in view the seriousness of the allegations levelled against the petitioner, no ground for grant of pre-arrest bail is made out. Consequently, the same is dismissed.

Needless to say nothing recorded hereinabove should be construed as expression on merits of the case.

16.12.2022

Pooja sharma-I

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable :	No