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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-48504-2023 (O & M)
Date of decision: 12.10.2023

Jagbir Singh

.... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Sumit Dua, Advocate, for the petitioner.

Ms. Ramta K Chaudhary, DAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition under Section 439 Cr.P.C. is for the grant of the regular bail to the petitioner in case FIR No.101 dated 15.06.2023 under Sections 384, 506, 420 and 120-B IPC registered at Police Station Beas, District Amritsar.

2. The present FIR came to be registered at the instance of Sucha Singh son of Channan Singh who stated that he was an agriculturist and had two children, a son Gurpreet Singh and a daughter Pawandeep Kaur. On 11.06.2023, he received a call from phone number 7347228306 on his phone number 8427027048. The caller disclosed her named as Nisha Rani and started talking to him. Thereafter, they became friendly and he (complainant) informed Nisha Rani that he had got his knee replaced. Nisha Rani made him talk to another woman, namely, Maghdleen @ Reena wife of

Benjamin who stated that they were into the business of multiplying the

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money of investors. On being enticed, he stated that he also wished to get his money doubled. On 14.06.2023, he went to PAP Chowk, Jalandhar from where Nishal Rani made him sit on her scooty and took him to her house. She made him sit on her bed. In the meantime, the second woman, namely, Maghdleen @ Reena also came there. Thereafter, two youth also came to the house who disclosed their names as Jagbir Singh (petitioner) and Sunny. Thereafter, one more woman and one man also came there. The woman disclosed her name as Laxmi @ Jassi wife of Ramesh and the youth disclosed his name as Gulshan Kumar. All of them asked him to remove his clothes and started making his video. They threatened to call the head of Tarna Dal to defame him as he was an Amritdhari Sikh. They demanded a sum of Rs.10 lacs, failing which, they threatened to implicate him in a police case. On account of fear, he promised to give them a sum of rupees two and a half lacs to which they agreed, after which they put him in the car and drove him to Beas. On other person, namely, Ranjit Singh followed that car on a mortorcycle. They forced him to withdraw money from the SBI Bank ATM at Beas but could not do so as he had forgotten his ATM Pin number. Then they threw him on the ground and went away. They kept on threatening him on the phone and demanded money in the absence of which he would be defamed. They had also shown him various videos on the phone and stated that they had extorted money in this manner from 8/10 persons. Legal Action was sought.

During the course of investigation in the present case, the petitioner-Jagbir Singh was arrested on 15.06.2023 and got recovered one mobile phone. During the course of interrogation, he disclosed that Nisha

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Rani, Magdalina @ Reena, Lakshmi @ Jassi, Ranjit Singh, Gulshan Kumar and Sunny would mislead the gullible people with sweet talks on the phone and trap them. Their obscene videos would be made after which they were black-mailed and huge amounts of money would be taken from the victims. Their group had extorted money from 14/15 men till date and the master mind of their gang was Magdalina @ Reena and she had also trapped the present complainant whose video had been recorded and a demand of Rs.10 lacs had been made. However, the deal was struck for Rs.2,50,000/- and the money was to change hands on that day, but he had got arrested.

3. The learned counsel for the petitioner contends that the petitioner neither made any call nor demanded any money from the complainant. No recovery had been effected from him. As the petitioner was in custody since 15.06.2023, the investigation stood concluded qua him and none of the 08 prosecution witnesses had been examined so far, he was entitled to the concession of bail as he otherwise has clean antecedents.

4. The learned counsel for the State, on the other hand, has filed a reply dated 11.10.2023 by way of an affidavit of Sukhwinder Pal Singh, PPS, Deputy Superintendent of Police, Sub Division Baba Bakala Sahib, District Amritsar Rural, which is taken on record. While referring to the said reply, he contends that the petitioner alongwith his co-accused extorted money from the complainant by putting him in fear that they would defame him by circulating his obscene video and that they would also inform the investigating agency about his conduct. Therefore, looking into the allegations levelled against the petitioner and his co-accused, he was not

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5. I have heard the learned counsel for the parties.
6. The veracity of the prosecution case against the petitioner and his co-accused shall be established during the course of trial. Admittedly, the petitioner is a first-time offender, in custody since 15.06.2023 and none of the 08 prosecution witnesses have been examined so far. Therefore, the trial of the present case is not likely to be concluded anytime soon. In this situation, his further incarceration is not required.
7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Jagbir Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.
8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the present case.
9. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.
10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

October 12, 2023
sukhpreet

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