

CRM-M-28519-2023
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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision:06.05.2024

1. CRM-M-28519-2023

Manoj Kumar Sondhi
V/s
State of Punjab
...Petitioner
...Respondent

2. CRM-M-38950-2023

Komal
V/s
State of Punjab
...Petitioner
...Respondent

3. CRM-M-10466-2024

Mansi
V/s
State of Punjab
...Petitioner
...Respondent

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Narinder S. Lucky, Advocate
for the petitioner in CRM-M-28519-2023.
Ms. Gurpal Kaur Dulat, Advocate
for the petitioner in CRM-M-38950-2023.
Mr. Vipin Kumar Sharma, Advocate
for the petitioner in CRM-M-10466-2024.
Mr. Adhiraj Singh Thind, AAG Punjab.
Mr. Liaqat Ali, Advocate for the complainant.

SUMEET GOEL, J.

This order will dispose of aforesaid three petitions filed on
behalf of the petitioner(s) seeking grant of anticipatory/pre-arrest bail under
Sections 438 of Code of Criminal Procedure, 1973 in FIR No. 41 dated
19.04.2023 registered for offences punishable under Sections 388, 506 and

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120-B Indian Penal Code, 1860 and Sections 3, 4 and 5 of Immoral Traffic (Prevention) Act, 1956 at Police Station Basti Bawa Khel, District Jalandhar.

2. The case set up in the FIR in question (as set out in the present petition by the petitioner(s)) is as follows:-

“With reference to complaint No. 613-PTM dated 24.03.2023 regarding on video went viral on social media. Regarding this, report after inquiry for registration of case was received in the Police Station. The same is like that. Subject:- Video went viral on social media regarding report No. 230 reader/ACP West dated 23.03.2023. Sir, it is submitted that on 14.03.2023 a went viral on social media. In which a girl was saying that Manoj Kumar Sodhi who is a resident of Gara Jalandhar and blackmails girls by making obscene videos from boys. Regarding this video, Ld. SP City-2, Jalandhar directed me to sent report after verifying the same. In order to verify this video, the statements of the following persons were recorded and verified by them. 1. Reena daughter of Indermohan Singh resident of near Park Gurdwara Raja Garden, Jalandhar. 2. Komal daughter of Nirmal mother Rajni, Resident of Village Malewal, District Jalandhar 3. Rajveer Kaur Wife Surinder Kumar Resident of VPO Kagra Police Station Shahkot Tehsil Nakodar District Jalandhar. 4. Paramjit Kaur wife late S. Jagdish Singh Resident of House No-184, Opposite Punjab & Sindh Bank, Basti Bawa Khel Jalandhar. 5. Neelam Rani wife Sukhdev Raj Resident of VPO Jallowal Colony Jalandhar Rural Current Tenant Mukesh Kumar Son of Des Raj Resident of House No. 22/22 Krishna Nagar Jalandhar (a) Reena Daughter of Indermohan Singh Resident of Near Park, First Patshashi Gurdwara Raja Garden, Jalandhar has recorded in her statement that on 10.03.2023 at 7:00 AM Komal daughter of Nirmal, resident of village Malewal Tehsil Nakodar District Jalandhar came to her and told her that her sister's father-in- law Manoj Kumar Sodhi resident of Garh, Jalandhar had forcibly developed physical relation at the residence of her sister, when her sister and her brother-in-law were not at home and while blackmailing for the same, he is continuously developing physical relations for the last two years. She is very upset and need help. On which he went to PS Basti Bawa Khel Jalandhar at around 8:00 AM to file complaint with Komal on a humanitarian ground. Where they disclosed everything to Insp. Gagandeep Singh, SHO, PS Basti Bawa Khel, Jalandhar, but SHO Basti Bawa Khel Jalandhar, Insp. Gagandeep Singh did not listen to them and in connivance with the accused, Insp.

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Gagandeep Singh asked her and Komal not to take any action against Manoj Kumar Sondhi. He asked us to take Rs. 3.00 Lakh for compromise. Upon which I told Insp. Gagandeep Singh that she had come to help Komal on a humanitarian ground and they do not want any compromise with Manoj Kumar Sondhi. Legal action may be taken against him. Till today i.e. 17.03.2023, SHO Gagandeep Singh had not taken any legal action, after 3-4 days Insp. Gagandeep Singh sent his official namely Mical to his house and asked her to come Police Station and I refused to visit Police Station. Thereafter, SHO Gagandeep Singh made a telephone call and forcibly asked to come police station. On refusing SHO threatened her to take action against her. From this, it is clear that Insp. Gagandeep Singh, SHO Basti Bawa Khel had colluded with accused. Therefore, justice cannot be given. She requested that appropriate legal action be taken against accused Manoj Kumar and the persons who were supporting him and justice be given to them. Apart from this, she wants to bring to notice that Manoj Kumar Sodhi who is a resident of Gara Jalandhar and he also forcibly came to Komal's house at petrol pump street Gautam Nagar Jalandhar and forcibly developed sexual relations with Komal and Manoj Kumar Shodhi has also fraudulently got registered sale deed of the house situated at Gautam Nagar Jalandhar in the name of his son Abhishek Shodhi. Manoj Kumar Shodhi and his accomplices have mistreated Komal and also committed fraud. Appropriate action may be taken against them. (b) Komal daughter of Nirmal mother Rajini, resident of village Malewal, district Jalandhar, has recorded in her statement that when she was 16 years old, she used to visit her sister Thirtho W/o Abhishek @Chetan S/o Manoj Kumar Sondhi, R/o Garah, Jalandhar. One day father-in-law of her sister Manoj Kumar Sondhi saw that nobody is at house and taking advantage of the same, he called her and started forcible physical relation with her he also clicked nude photographs of her without disclosing her and since that day, he is continuously blackmailing her and started physical relation with her. When she told him that she will disclose everything to her sister, then he told me that he will say that she is in illicit relation with him and also threatened to make my photos viral. Manoj Kumar Sondhi had taken a room on rent at Gautam Nagar, Basti Bawa Khel, Jalandhar and he used to take her there and use to develop physical relation in the room. Thereafter, after threatening her, he started sending her to the ladies, who are running sex racket. She had a group of three members. Among them Manoj Kumar Sodhi Mobile Number 9569264441, Varinder, R/o Ugi Chitti Jalandhar Mobile Number 9814606434, Mansi Mobile Number 9501312615. These three persons used to do wrong with

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her everyday and sexually abused her by threatening to spread his photos on social media. Manoj Kumar Sodhi had sexual relations with her for two years and then sold her to other people to collect money. Being fed up, she told about this to her friend Reena and she told her that she is with me and we will go to the police station and file a complaint. When she came to the police station with her friend Reena, she sent a constable to SHO Inspector Gagandeep Singh for disclosing him everything and she told everything to SHO Inspector Gagandeep Singh but neither he accepted our complaint nor he marked any number on the same. SHO Inspector Gagandeep Singh told him that he will arrange Rs. 5.00 Lakh for her and told to settle the matter with Manoj Kumar Sondhi, but she told SHO Insp. Gagandeep Singh that she does not want any compromise with him and she want justice. Therefore, requested to take necessary legal action against them. (c) Rajveer Kaur wife Surinder Kumar resident of VPO Kagra Police Station Shahkot Tehsil Nakodar District Jalandhar has recorded in her statement that Manoj Kumar Sodhi used to blackmail her brother Maninder Singh son of Harbhajan Singh resident of Mohalla Ratan Nagar, Nakodar Jalandhar the he is having his photographs with Komal and he told his brother Maninder Singh that a case has been registered against him at PS Nakodar. Thereafter Manoj Kumar Sondhi started demanding money from them. Due to fear, on 06.09.2022, they had paid Rs. 1.50 Lakh in cash to him. When money was handed over to him, at that time CCTV camera was active in the shop, the same was recorded in the camera. The video clip of the same is being presented while recording in the Pen Drive. When they inquired about the same at PS Nakodar, then SHO/L/SI Harjinder Kaur told them that they have recorded statement of Komal u/s 164 Cr.PC and the same cannot be disclosed to you and told us to contact the Manoj Kumar Sondhi. On 10.03.2023, Komal heard about the complaint filed against Manoj Kumar Sondhi before SHO Basti Bawa Khel Jalandhar and after seeing the video, I reached PS Basti Bawa Khen and I went to the room of SHO Gagandeep Singh and she saw that Manoj Kumar Sondhi had came there and he went back after seeing her sitting in the SHO room. He came with the parents of Komal, but he himself did not entered in the room. The parents of the Komal asked her to come back, but Komal told that she is 18 years old and she is living with her own will. Upon which the parents gave her beatings and thereafter, the went to her house and two days back, she had a word with SHO Basti Bawa Khel on phone and she was asked to come after two days in the police station and she went to the police station after two days. Then she talked with SHO Insp. Gagandeep Singh, he said that

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he has no complaint of that girl and what number should I give you. After that she called the media and told them everything. The media person tried to ask SHO Insp Gagandeep about her, but SHO Insp. Gagandeep Singh did not say anything and told that neither the girl come to him nor her complaint is with him. (d) Paramjit Kaur wife of Late Mr. Jagdish Singh, resident of House No. 184 Opposite Punjab And Sind Bank, Basti Bawa Khel Jalandhar has recorded in her statement that she saw a video in which a girl named Komal was making allegations of forced relationship and blackmailing against Manoj Kumar Sodhi and Varinder Kaur and in this connection she came present before him and want to bring to your attention that Manoj Kumar Sodhi and along with Varinderjit Kaur, Nisha, Tannu and another old woman have a group and they used to blackmail the innocent people and used to extort money from people by threatening them and are doing the business by bringing girls into homes. Manoj Kumar Shodhi has also destroyed her house since 2015 because Virinderjit Kaur, who is a supporter of Manoj Kumar Shodhi, got married in 2012 with her elder son Hardev Singh Bunty and in the year 2015, her daughter-in-law met with Manoj Kumar Sodhi and thereafter, Manoj Kumar Sodhi made his son Hardev Singh @ Bunty addicted to drugs and started coming to her house daily and her daughter-in-law Varinderjit Kaur started living with Manoj Kumar Shodhi and they in connivance with each other, started doing business by bringing girls to our house and threatened to kill her if she refused. Both of them in connivance with each other, gave false complaints of rape against her younger son Harjit Singh several times and in order to make compromise by threatening him, they chased Rs. 20,000/- once and Rs. 30,000/- and once, when he had no money, by giving false compliant, they sold AC by taking it from his house and they also forcibly took the Hero Honda motorcycle bearing no. 6748 of her son Hardev Singh @ Bunty. Her daughter-in-law and Manoj Sondhi forcibly took 6 grams gold earrings, 4 grams ring form her almirah at her home and after that her daughter-in-law told about this to her and when she cried and made noise, then they told that they will make new ones, but they have not returned the same till today. Manoj Kumar Sondhi and her daughter-in-law by threatening her tried to transfer the half land of her house into their names, but she refused them and then her daughter-in-law on the asking of Manoj Kumar took divorce from her son and they also took Rs. 90,000/- form her for divorce. I want to bring to your notice that Manoj Kumar Sondhi and his group used to extract money from innocent people by blackmailing them and doing business. Strict legal action may be taken against them.

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(e) Neelam Rani wife Sukhdev Raj resident VPO Jallewal Colony Jalandhar Rural, tenant Mukesh Kumar son of Des Raj resident house number 22/22 Krishna Nagar, Jalandhar has recorded in his statement that she is living in the same address for about 9 months. On 14.03.2023 she was present in her house and that night she heard the news of a girl namely Komal in the Police Station, Basti Bawa Khel through social media in which she was saying that there is a president namely Shodhi who blackmailed the people through her and extorted money from people and later on he did not give her due share and he used to withdraw all the money himself after depositing in her account and did not give her money. She saved that video. That now she wants to tell you that in the year 2022, a case number 88 dated 04.08.2022, u/s 376, 506, 120-B IPC and 3, 4, 5, 6 of POSCO Act, was got registered in police station City Nakodar by Komal daughter Nirmal, resident of Malowal, Police Station Mehtpur, District Jalandhar against Geeta, R/o Mahalla Guru Nanakpura, Police Station City Nakodar, Jalandhar, Gora son of Baldev, resident of Mohalla Guru Nanakpura, Police Station City Nakodar, Jalandhar, Bunty son of Baldev, resident of Mahalla Guru Nanakpura, Police Station City Nakodar Jalandhar, Jyoti wife Deepak, resident of Haibowal Ludhiana, District Ludhiana, Usha wife of Baldev, Resident of Mahalla Guru Nanakpura, Police Station City Nakodar. In which, on 15.08.2022, Komal got recorded her statement under Section 164 Cr.PC in the court of Smt. Baljinder Kaur, SDJM, Nakodar, in which she falsely got entered the names of Dr. Majinder Singh, Paramjit Singh @ Kalko (driver of Dr. Maninder Singh), one contractor of Mehatpur and other unknown persons. Her husband Sukhdev Raj was a Liquor Contractor in Mehatpur City at that time. In that case, she told the police a false story that her husband had taken her to a kothi and raped her. On which, Insp. Harjinder Kaur, SHO falsely nominated the name of her husband in the case with Jimni No. 13. Thereafter, she submitted an application No. 480-PGD (Peshi) dated 14.10.2022 before SSP Jalandhar Rural regarding the innocence of her husband Sukhdev Raj. On which the inquiry of that application was conducted by SHO, City Nakodar and regarding the investigation of the application by the appellant, Komal daughter Nirmal resident of Malewal police station Mehtpur district Jalandhar, Manoj Kumar Sodhi son of Shiv Kumar resident of Chintapurni Mahalla Gara Jalandhar, son of Manoj Kumar Sodhi, Vijay Minhas son of Nakodar who runs a tailor shop opposite Aneja Sweet Shop at Mehtpur, Akash Mattu, resident of Khurrampur Tehsil Nakodar came present. Manoj Kumar Shodhi told them that our girl will recant her statement and we will take Rs. 15.00

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Lakh in lieu of this. Even though the case was false, but she admitted the same as she was afraid of the disgrace of her family. On 27.08.2022, on the asking of Manoj Kumar Sodhi, Vijay Manias gave us a phone number 82830-84398 which was in the name of Akas Mattu and asked to deposit Rs. 1.00 Lakh in it, from which her son-in-law Sagar who lives in Jalandhar, on her asking, transferred Rs. 25/25 total Rs. 50.00 thousand from his mobile through Google Pay and on her asking Parminder Kaur (her Nannan) who lives in Banga transferred Rs. 49,999/- to her number from Bange Cafe. Then on which on 29.08.2022, on the asking of Manoj Kumar Sandhi, Akas Mattu and Vijay Manias took a check number 000003 of account number 50100281364322 of HDFC Bank Kala Bakra branch of Rs. 3.00 Lakh and later on, they encashed the check. Thereafter, Vijay Minhas and Akash Mattu took Rs. 2.00 Lakh case, while sitting in her car near her house in Jalandhar and then Manoj Kumar Sodhi, Komal and Manoj Kumar Sodhi's son alongwith 3/4 ladis and youngsters in the presence of Parminder Kaur (her Nannan), Raja Taxi Wala Basti Bawa Khel Jalandhar and Paramjit Kaur resident of Basti Bawa Khel Jalandhar took a total of Rs. 9.00 lakhs from her at the park in front of J.P. Nagar Flat, Jalandhar and after that Komal gave her affidavit to them and Kamal gave her statement in Case No. 88/22 Police Station Nakodar City that she did not know the house in which she was raped and she asked a passer-by about the residence of a contractor and he said that there is a contractor Sukhedav Raj and on the asking by the police and to avoid his father's rebuke, she told about that house that it was the same. From which it was found that she was not raped by her husband. After that her husband was acquitted from the case. She has submitted the RTI copy of the complaint number 480-PGD dated 14.10.2022. Komal D/o Nirmal, resident of Malowal Police Station Mehtpur, District Jalandhar, Manoj Kumar Sodhi son of Shiv Kumar resident of Chintapurni Mahalla Gara Jalandhar, son of Manoj Kumar Sodhi, Vijay Minhas, R/o Nakodar who runs a tailor shop in front of Aneja Sweet Shop, Mehtpur, Akash Mattu, Resident of Khurrampur Tehsil Nakodar and 4/5 ladies and youths have formed a grove with them. Who used to register false complaints agsint youngsters by forwarding Komal or any other young girls and later on extorted money in lakhs in lieu of compromise. Manoj Kumar Sodhi called from his mobile number 95692-64441 to Parminder Kaur (her Nannan) on her mobile number 9501986032 and talked about compromise and was demanding money in that regard, she has call recordings of the same and the same have been submitted in a pen drive. Due to false implication the name of her husband Sukhdev in the case, her son Karan Kahlon, who was

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about 18 years old, went into depression and died on 29.12.2022 in Global Hospital and she can submit the report of the deceased. The death of his son also happened due to extracting money by them by putting pressure on her and her relatives regarding compromise. At first, she was afraid of all of them and did not disclosed anything against them and when she came to know through the news that they had a rift over money, she consulted her husband and came present to police station today and recorded her statement. Strict action may be taken against all the persons involved in the said grove so that in the future they will not be able to do such a thing with anyone.”

3. Learned counsel for the petitioner-Manoj Kumar Sondhi has argued that the petitioner has been falsely implicated in the FIR in question. Learned counsel has submitted that the alleged video of Komal (co-accused) was circulated and in the said video, she had alleged that the petitioner-Manoj Kumar Sondhi had caught hold of her and made forcible physical relations. Learned counsel for the petitioner has further submitted that the complaint to the Police was not lodged by the said Komal but had been made by one Reena and another person namely Rajwinder Kaur who had approached the concerned SHO by stating that Komal had narrated the incident in question to them. It has been further contended by the learned counsel for the petitioner that he is father-in-law of the real sister of Komal and, being a relative, he was helping the father of Komal (co-accused) against certain persons who were running a business of immoral trafficking. Learned counsel for the petitioner has further argued that the said persons (who were running the business of immoral trafficking), in connivance with the police authorities have falsely roped in the petitioner.

3.1 Learned counsel (for the petitioner-Komal) has argued that the petitioner-Komal, is actually, a victim of gang involved in immoral trafficking. Learned counsel has further argued that Manoj Kumar Sondhi

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(co-accused/petitioner in CRM-M-28519-2023) was helping her for getting justice & she has been falsely roped on account of unlawful pressure by some persons who are operating the business of immoral trafficking.

3.2 Learned counsel appearing for the petitioner-Mansi has argued that the petitioner has been falsely roped in the FIR in question and no specific role has been attributed to her.

4. Learned State counsel as also learned counsel appearing for the complainant have opposed the grant of pre-arrest bail by arguing that the allegations made against the petitioner(s) are serious in nature and custodial interrogation of the petitioner(s) is pertinently required for eliciting the truth. A status report dated 09.08.2023 was filed by the State, relevant whereof reads as under:

“5. That the enquiry officer concluded in the preliminary inquiry that in order to prove Sukhdev Raj and Dr. Maninder Singh innocent in the case registered at Police Station Nakodar, Jalandhar Rural, group of Manoj Kumar Sondhi, Komal, Abhishek son of Manoj Kumar Sondhi, Vijay Minhas and three- four women has took Rs.15,00,000/- from Sukhdev Raj and Rs. 1,50,000/- from Dr. Maninder Singh. In addition to this, Manoj Sodhi, Komal, Varinderjit Kaur and Mansi have kept a brothel in the rented accommodation in Gautam Nagar Jalandhar where Komal along with other girls have been induced into the profession of prostitution It is further submitted that after taking the opinion of the DA legal on this enquiry a case FIR No.41 dated 19.04.2023 u/s 388,506,120-B IPC and u/s 3,4,5 of Immoral Traffic (Prevention) Act, 1956, P.S. Basti Bawa Khel, Police Commissionerate, Jalandhar has been registered against Manoj Kumar Sondhi and others.

6. That during the investigation of this case, the following evidence came to light against Manoj Kumar Sodhi, the present petitioner and other co-accused:

a) That Manoj Kumar Sodhi, the present petitioner was keeping and managing a brothel in a rented accommodation in the area of Gautam Nagar, Jalandhar. He along with Komal, Varinderjit Kaur, Mansi, Neesha, Tanu and one old lady have been inducing

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other girls to carry on the prostitution in the above said rented accommodation.

b) That accused Manoj Kumar Sondhi, the present petitioner along with other co accused namely Mansi and Komal have been found to be making Video calls to innocent people and have extorted money from Innocent people by blackmailing them.

c) That accused Manoj Kumar Sondhi, the present petitioner in connivance with Komal, Vijay Minhas, Akash Matto and others have got influential people implicated in false rape case and extort money from them. In one NOT instant case that has come to light during investigation, is registration of FIR No 88 dated 04.08.2022 u/s 376,506,120-B IPC and 3,4,5,6 of POCSO Act, PS City Nakodar on the statement of Komal. Initially this case was registered against Geeta, Gora, Bunty, Jyoti and Usha. Later on, one wine contractor Sukhdev Raj, Mohinder Singh were nominated on the statement of Komal before Magistrate under section 164 Cr.P.C. These people were mentioned in her statement only to extort money from them. They have extorted Rs.50,000/- on 27.08.2022 by PayTm, Rs.49,999/- on 29.08.2022 by transfer and Rs. 3 lakh by account payee cheque, Rs. 11 lakhs in cash from Neelam Rani w/o Sukhdev Raj (wine contractor) r/o VPO Jallowal colony, Jalandhar rural now c/o Mukesh Kumar s/o Des Raj r/o H.No.22/22 Krishna Nagar, Jalandhar to settle the matter.

d) That it is pertinent to mention here that accused Manoj Kumar Sondhi, the present petitioner in connivance with other co accused had extorted Rs 1,50,000/- from Maninder Singh brother of Rajvir Kaur wife of Surinder Kumar resident of VPO Kagna on dated 6/9/2022 by blackmailing her brother Hardev Singh s/o Surinder Kumar r/o VPO Kagna Police Station Shahkot, Tehsil Nakodar, District Jalandhar by blackmailing and threatening him to implicate in false rape case. These have also extorted Rs. 1,40,000/- in cash, one Hero Honda motorcycle and gold ornaments from Paramjit Kaur w/o late. Jagdish Singh r/o H.No.184 opposite Punjab and Sindh Bank, Basti Bawa Khel, Jalandhar by blackmailing his son Hardev Singh @Bunty and also making him drug addict.

7. That Manoj Kumar Sondhi, the present petitioner along with other co accused have been found to be involved in a gang of extortionists by putting innocent people in fear of an accusation of false rape cases etc. and he has been found to be involved in

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running the brothel and inducing girls of the area into prostitution.”

Another status report dated 28.04.2024 was filed by way of affidavit of Commissioner of Police, Jalandhar, Punjab, relevant whereof read as under:

“That further as per the statement of Neelam Rani, whereby she stated that Manoj Kumar Sondhi, Komal daughter of Nirmal, Abhishek, Vijay Manhas, Akash Mattu and 3-4 unknown ladies in connivance with each other blackmailed them and told her that they will get her husband acquitted in the FIR and further stated that Komal will resile/step back from her statement and took Rs. 15 lac from them on different dates. That Rajveer Kaur stated that Manoj Kumar Sondhi used to blackmail her brother Maninder Singh, that he has his photograph with Komal and Manoj Kumar Sondhi will get an FIR registered against Maninder Singh. That thereafter, Manoj Kumar Sondhi started demanding money from them and under fear on 06.09.2022 they gave him Rs. 1,50,000/- in cash.

8. That Komal stated that Manoj Kumar Sondhi is father in law of her sister Tirtho, who is from the last 2 years forcefully making her do wrong business and he gains money out of said business and blackmails persons through her and after threatening them takes money from them. That there is a group of Manoj Kumar Sondhi with Varinderjit Kaur, Mansi and other unknown persons.

9. That from the inquiry conducted it was found that a group of Manoj Kumar Sondhi with Komal, Abhishek, Vijay Manhas, AkashMattu and 3-4 unknown ladies got registered FIR through Komal at Police Station Nakodar, District Jalandhar (Rural), in the said FIR for getting Sukhdev Raj and Dr. Maninder Singh declared innocent, they took Rs. 15,00,000/- from Sukhdev Raj and Rs. 1,50,000/- from Dr. Maninder Singh. That apart from this Manoj Kumar Sondhi, Komal, Varinderjitkaur and Mansi have kept a brothel in the rented accommodation in Gautam Nagar Jalandhar where Komal along with other girls have been induced into the profession of prostitution. That by doing so they have committed offence under Section 389, 506, 120-B IPC and under Section 3, 4, 5 of Immoral Trafficking Act, thus, it was recommended that after taking opinion from DA Legal, action be taken against them in accordance with law.

10. That thereafter, the abovesaid report was marked by the then ADCP-II, Police Commissionerate Jalandhar to DA Legal for opinion.

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That thereafter, DA Legal raised an objection and asked for clarification in regard to the inquiry on the allegations leveled by Komal against Manoj Kumar Sondhi of making forceful physical relation with her and further clarification was asked about the basis of recommendations against Komal by the Inquiry officer.

That thereafter, the above said objection was inquired by the then Assistant Commissioner of Police, West Jalandhar and report dated 03.04.2023 was submitted, whereby it was stated that the allegations leveled by Komal against Manoj Kumar Sondhi, from the inquiry conducted it has been found that Manoj Kumar Sondhi, Abhishek, Vijay Manhas, Akash Mattu and 3-4 ladies through Komal got registered FIR and thereafter, in the said FIR got recorded a false statement under Section 164 Cr.P.C and got nominated Sukhdev Raj and Dr. Maninder Singh and later on, in the said FIR for getting Sukhdev Raj and Dr. Maninder Singh declared innocent, they took Rs.15,00,000/- from Sukhdev Raj and Rs. 1,50,000/- from Dr. Maninder Singh.

11. *That the above-said report was again marked by ADCP-II for getting the opinion of DA Legal, who in his opinion vide no. 223 DA Legal dated 10.04.2023 stated that from the facts which came on record during the inquiry, statements recorded and after verifying the same it is recommended that FIR under Section 389, 506, 120-B IPC and under Section 3, 4, 5 of Immoral Trafficking Act be registered against Manoj Kumar Sondhi, Komal, Varinderjit Kaur and Mansi.*

That on the above-said opinion, again clarification was asked in regard to the report of the then Assistant Commissioner of Police, Police Commissionerate Jalandhar, whereby there was a mention of FIR against 7-8 persons but as per the opinion there was recommendation against only 4 persons.

12. *That thereafter, DA legal gave the clarification on 18.04.2023, whereby it was stated that in advertently names of 4 persons against whom FIR was to be registered was mentioned, as in the inquiry report names of persons was mentioned in different places. Though, being in agreement with inquiry report FIR be registered against all the persons mentioned in the report. Thereafter, FIR No.41 (Supra) was registered in accordance with law.”*

5. I have heard learned counsel for parties and have perused the record.

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6. It would be apposite to refer herein to a judgment of the Hon'ble Supreme Court titled as ***Kishor Vishwasrao Patil vs. Deepak Yashwant Patil and another*** passed in ***SLP(Crl) No.1125-2022***, relevant whereof reads as under:

*“74. Ordinarily, arrest is a part of the process of the investigation intended to secure several purposes. There may be circumstances in which the accused may provide information leading to discovery of material facts and relevant information. Grant of anticipatory bail may hamper the investigation. Pre-arrest bail is to strike a balance between the individual's right to personal freedom and the right of the investigating agency to interrogate the accused as to the material so far collected and to collect more information which may lead to recovery of relevant information. In **State v. Anil Sharma [State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039]**, the Supreme Court held as under : (SCC p. 189, para 6)*

“6. We find force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well-ensconced with a favourable order under Section 438 of the Code. In a case like this, effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. 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. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.

*75. Observing that the arrest is a part of the investigation intended to secure several purposes, in **Adri Dharan Das v. State of W.B. [Adri Dharan Das v. State of W.B., (2005) 4 SCC 303 : 2005 SCC (Cri) 933]**, it was held as under : (SCC p. 313, para 19)*

“19. Ordinarily, arrest is a part of the process of investigation intended to secure several purposes. The accused may have to be questioned in detail

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regarding various facets of motive, preparation, commission and aftermath of the crime and the connection of other persons, if any, in the crime. There may be circumstances in which the accused may provide information leading to discovery of material facts. It may be necessary to curtail his freedom in order to enable the investigation to proceed without hindrance and to protect witnesses and persons connected with the victim of the crime, to prevent his disappearance, to maintain law and order in the locality. For these or other reasons, arrest may become an inevitable part of the process of investigation. The legality of the proposed arrest cannot be gone into in an application under Section 438 of the Code. The role of the investigator is well defined and the jurisdictional scope of interference by the court in the process of investigation is limited. The court ordinarily will not interfere with the investigation of a crime or with the arrest of the accused in a cognizable offence. An interim order restraining arrest, if passed while dealing with an application under Section 438 of the Code will amount to interference in the investigation, which cannot, at any rate, be done under Section 438 of the Code.”

*76. In **Siddharam Satlingappa Mhetre v. State of Maharashtra** [**Siddharam Satlingappa Mhetre v. State of Maharashtra, (2011) 1 SCC 694 : (2011) 1 SCC (Cri) 514**], the Supreme Court laid down the factors and parameters to be considered while dealing with anticipatory bail. It was held that the nature and the gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made and that the court must evaluate the available material against the accused very carefully. It was also held that the court should also consider whether the accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her.*

*77. After referring to **Siddharam Satlingappa Mhetre** [**Siddharam Satlingappa Mhetre v. State of Maharashtra, (2011) 1 SCC 694 : (2011) 1 SCC (Cri) 514**] and other judgments and observing that anticipatory bail can be granted only in exceptional circumstances, in **Jai Prakash Singh v. State of Bihar** [**Jai Prakash Singh v. State of Bihar, (2012) 4 SCC 379 : (2012) 2 SCC (Cri) 468**], the Supreme Court held as under : (SCC p. 386, para 19)*

“19. Parameters for grant of anticipatory bail in a serious offence are required to be satisfied and further while granting such relief, the court must record the reasons therefor. Anticipatory bail can be granted only in exceptional circumstances where the court is prima facie of the view that the applicant has falsely been enroled in the crime and would not misuse

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his liberty. (See D.K. Ganesh Babu v. P.T. Manokaran [D.K. Ganesh Babu v. P.T. Manokaran, (2007) 4 SCC 434 :(2007) 2 SCC (Cri) 345] , State of Maharashtra v. Mohd. Sajid Husain Mohd. S. Husain [State of Maharashtra v. Mohd. Sajid Husain Mohd. S. Husain, (2008) 1 SCC 213 : (2008) 1 SCC (Cri) 176] and Union of India v. Padam Narain Aggarwal [Union of India v. Padam Narain Aggarwal, (2008) 13 SCC 305 : (2009) 1 SCC (Cri) 1] .)”

Economic offences

78. Power under Section 438 CrPC being an extraordinary remedy, has to be exercised sparingly; more so, in cases of economic offences. Economic offences stand as a different class as they affect the economic fabric of the society. In Directorate of Enforcement v. Ashok Kumar Jain [Directorate of Enforcement v. Ashok Kumar Jain, (1998) 2 SCC 105 : 1998 SCC (Cri) 510], it was held that in economic offences, the accused is not entitled to anticipatory bail.”

15. In Sushila Agrawal and others v. State (NCT of Delhi) and Another reported in (2020) 5 SCC 1, Constitution Bench of this Court held that while considering an application for grant of pre-arrest bail the Court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation, or tampering with evidence or likelihood of fleeing justice. The Court held:-

“92.4. Courts ought to be generally guided by considerations such as the nature and gravity of the offences, the role attributed to the applicant, and the facts of the case, while considering whether to grant anticipatory bail, or refuse it. Whether to grant or not is a matter of discretion; equally whether and if so, what kind of special conditions are to be imposed (or not imposed) are dependent on facts of the case, and subject to the discretion of the court.”

7. As per the allegations in the FIR as also the averments in the status report(s) filed by the State, it is indubitable that serious allegations have been made against the petitioners. The petitioners are alleged to be running a gang of sextortionists. The nature and gravity of the offences, the role attributed to the petitioners as also the factual matrix of the *lis* essentially lead to the unequivocal conclusion that the petitioners do not

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deserve the concession of anticipatory bail. It goes without saying that in a case where the allegations are of sextortion, as are in the present case, it is not appropriate to grant anticipatory bail, as it would necessarily cause impediment in effective investigation. Stand of the investigating agency before this Court is that petitioners used to make video calls to innocent people and extort money by blackmailing them. The FIR in question has been lodged pursuant to a video recording, the contents whereof appear to be spelling out full gamut of offences. It is trite law that anyone can set or put the criminal law mechanism into motion, except where the statute enacts to contrary. In facts of present case, there is no legal impediment in setting the law into motion at instance of the informant(s). The acts of crime alleged against the petitioners have a tendency to severely impact the fabric of society at large. It is pertinent to mention here that the relief of anticipatory bail is aimed at ensuring personal liberty of an individual. However, while deciding a plea for grant of anticipatory bail, the Court has to strike a balance between safeguarding individual rights and protecting societal interest. The Court must also consider the gravity of the offence; the role attributed to the accused; the impact on the Society and the need for fair and free investigation. The relief must not unduly hamper the rights of the investigating agency to conduct free, fair and impartial investigation.

In view of the nature as also seriousness of allegations, it may not be possible for the investigating agency to unravel the entire modus operandi if the petitioners are armed with a protective order. Moreover, it is the specific stand of the State that petitioners have formed a group and are running the business of immoral trafficking, thus, their custodial

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interrogation is necessary to take the investigation to its logical end and to conclude fair and meaningful investigation.

- 8. In view of the above, the instant petitions deserve to be dismissed. Ordered accordingly.
- 9. Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.
- 10. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

May 06, 2024
Ajay

Whether speaking/reasoned:	Yes
Whether reportable:	Yes