

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-35656-2024
Reserved on: 09.08.2024
Pronounced on: 30.08.2024

Satender ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sushil Sheoran, Advocate
for the petitioner.

Mr. Rajat Gautam, Addl. A.G., Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
12	29.04.2024	ACB Rohtak, District Anti Corruption Bureau, Haryana	384, 388, 389, 120-B IPC and Section 7A, 13(1)B read with 13(2) of PC Act

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. As per paragraph 10 of the bail petitioner, the petitioner has no criminal antecedents.
3. The facts and allegations are being taken from the status report filed by concerned DySP which reads as follows:-

“4. That the facts forming genesis of the present case are that the law was set in motion on the basis of complaint of complainant namely Dara Singh son of Ram Niwas on the allegations that he is resident of village Bhindawas, Distt. Jhajjar and he is Sarpanch of village. He knew Satender son of Satpal, resident of Bhindawas since December, 2023, who was posted as Home-guard in PP Chhuchakwas. The complainant further alleged that Satender has good acquaintance with Sunita. In February, 2024, Satender made a phone call to him and told him that Sunita lodged a complaint against him in the police as he has sent obscene messages on the

WhatsApp of the Sunita. Showing the fear of defamation in the society, Satender demanded a bribe of Rs. 1.5 lac from him to settle the matter and due to the fear of defamation, he gave an amount of Rs. 1.5 lac to Satender. In the first week of March, 2024, Satender again threatened him and told him that the complaint has reached in the office of DSP and demanded a bribe of Rs. 5 lac. On 2-3.03.2024, he gave an amount of Rs. 25,000, 50,000 and 25,000/- through the Phone pay in the account of his relative and the balance amount of Rs. 4 lac was taken by the Satender from his house. Thereafter, in the middle of March, 2024, Satender made a phone on complainant mobile no. 9992496020 from his mobile no. 8053459000 and threatened him that the matter has come in the knowledge of SP, Jhajjar and demanded a bribe of Rs. 10 lacs to settle the matter. He showed his inability to pay the huge amount. After arranging the money within next 10-12 days, he gave an amount of Rs. 8 lacs to Satender. Satender again threatened him that the matter has come in the notice of Commissioner of Police and demanded a bribe of Rs. 25 lac. On 24.04.2024, Satender brought him and Sunita from his village in his white colour Alto car bearing no. HR-14S-1804 in Mini Secretariat, Jhajjar. Satender threatened him and pressurized him to get prepare an affidavit about taking of money and on seeing the opportunity and by making excuse, he sneaked from there. On the same day, Sunita and Satender threatened him on mobile. He recorded the same in his mobile. Satender repeatedly tried to contact him and due to fear, he did not disclose the incident to anyone. On 28.04.2024, Satender threatened him and demanded a bribe of Rs. 25,00,000/-. Sunita has also conspired with Satender. On this complaint, FIR under Section 7 of PC Act, 120B, 384 IPC was registered against the petitioner and co-accused Sunita.

5. *That during the course of the investigation, on dated 29-04-2024, a raiding team was formed and after pre-trap formalities, petitioner was arrested red handed with an amount of Rs. 2,50,000/-along with Alto Car bearing registration no. HR-14-S-1804. Thereafter, the tainted amount was taken into police possession vide separate memo dated 29-04-2024,site plan of place of recovered amount was prepared and during interrogation petitioner admitted his involvement in the present case and suffered his disclosure statement. Petitioner disclosed that as per conspiracy*

and planning, in the month of February 2024 he made a telephonic call to the mobile number of the complainant (9992496020) from his mobile number 8053459000 and told him that co-accused Sunita lodge a complaint against him in the police as the complainant has sent the obscene messages on the WhatsApp of co-accused Sunita and showing the fear of defamation in the society, petitioner demanded a bribe of Rs. 1,50,000/- from him to settle the matter, he gave Rs. 1,50,000/- to petitioner and thereafter, petitioner had again threatened to the complainant and in this way, he had taken Rs. 14,50,000/- from the complainant in the shape of extortion even after, petitioner had again threatened to the complainant and demanded a bribe of Rs. 25,00,000/-.

6. *That on dated 30-04-2024 co-accused Sunita was got arrested in the present crime and during interrogation she admitted her involvement in the present crime and suffered her disclosure statement. She stated that with the conspiracy I along with co-accused (Satender) threatened the complainant and we demanded Rs. 25 Lacs from complainant and complainant gave Rs. 14,50,000/- to us and an amount of Rs. 9 Lacs was coming in my share and I spent the said amount for purchasing property and house construction. In the pursuance of her disclosure statement co-accused Sunita got recovered an amount of Rs. 20,000/- and her mobile and the same was taken in police possession vide separate memo. However, co-accused Sunita was granted regular bail from the learned Sessions Judge, Jhajjar vide order dated 05-06-2024.”*

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and refers to para 8 of the status report which reads as follows:-

“8. *That the petitioner played an active role in the present crime and the petitioner is also prime accused in the present case and the petitioner being employee in Home Guard and deployed at P.P. Chhukwas (Police Station Beri) wherein Village of the complainant situated, petitioner hatched a conspiracy with co-accused Sunita and it was the petitioner, who called the*

complainant and stated that co-accused Sunita lodged a complainant against him in the Police as the complainant has sent obscene messages on the WhatsApp's of co-accused Sunita. Showing the fear of defamation in the society, petitioner initially demanded a bribe of Rs. 1,50,000/- from the complainant to settled the matter and thereafter, petitioner had taken Rs. 14,50,000/- from the complainant in the shape of extortion and still petitioner was demanded Rs. 25,00,000/- to the husband of the complainant and in this way, petitioner had caught red handed by the investigating agency and got recovered Rs. 3,00,000/-."

6. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, per paragraph 6 of the bail petition, the petitioner has been in custody since 29-04-2024. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage, subject to the compliance of terms and conditions mentioned in this order.

7. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

8. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

9. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

10. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the

Court.

11. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

12. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

13. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

30.08.2024
Jyoti Sharma

Whether speaking/reasoned : Yes
Whether reportable : No.