

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-53444-2024
Date of decision: 25.10.2024

Mukesh Kumar

....Petitioner

V/s

State of Haryana

....Respondent

CORAM: HON’BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr.Kapil Aggarwal, Advocate, for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

1. Prayer in the instant petition filed under Section 482 of the Bhartiya Nagrik Suraksha Sanhita, 2023 is for granting the concession of anticipatory bail in case FIR No.193 dated 26.09.2024 under Section 384, 388, 120-B, 34 of the IPC registered at Police Station Sector 17, District Faridabad.
2. Learned counsel for the petitioner asserts that the petitioner has been falsely implicated in the present case along with other co-accused for allegedly extorting money from the complainant by threatening to implicate him in a fabricated rape case. While drawing the attention of this Court to the FIR annexed as Annexure P-1, learned counsel submits that the lack of any credible evidence and the vague and baseless allegations levelled by the complainant further point to the petitioner’s false implication. Learned counsel has still further emphasised that the petitioner has no association with the complainant, who is presently facing trial in a



rape case, and contends that the petitioner merely accompanied his brother, Neeraj Gupta, in a meeting with the prosecutrix. It is further argued that there are no direct allegations linking the petitioner to any payment from the complainant or any other individual, as the entire settlement occurred between Neeraj Gupta and the prosecutrix.

3. Moreover, learned counsel contends that the complainant's account, suggesting a cash payment totalling Rs. 33 lakhs, is highly improbable, not only for violating Income Tax Department norms but also due to the implausibility of the petitioner allegedly demanding Rs. 50 lakhs from Dheeraj Gupta in the presence of police officers.

4. Notice of motion.

5. On the asking of the Court, Ms. Trishanjali Sharma, DAG, Haryana accepts notice on behalf of respondent-State.

6. *Per contra*, learned State counsel on instructions has vehemently opposed the prayer made by the learned counsel for the petitioner by asserting that the FIR was lodged after a thorough investigation conducted by a Special Investigation Team (SIT). Learned State counsel further submits that the investigation revealed the petitioner's acquaintance with the prosecutrix in the separate rape case filed against the complainant, Dheeraj Gupta. It is argued that Call Detail Records (CDR) and location data corroborate their presence together at the time of the alleged incident, adding credibility to the allegations levelled with respect to the extortion. Learned State counsel also highlights that, as per the investigation, the petitioner demanded and received Rs. 33 lakh from the



complainant, who is accused in the separate case filed by the prosecutrix, a known associate of the petitioner. Additionally, the petitioner has criminal antecedents, having been involved in a previous case of a similar nature, which underscores the necessity of custodial interrogation to fully uncover the modus operandi of this gang of extortionists.

7. I have heard learned counsel for the parties and perused the relevant material placed on record.

8. *Prima facie* there are serious allegations levelled against the petitioner, who, alongside his co-accused, allegedly extorted Rs. 33 lakh from the complainant under the threat of implicating him in a false rape case. The gravity of the allegations is compounded by the petitioner's criminal antecedents, as he is reportedly involved in a similar prior offence. The FIR outlines that the petitioner, is accused of masterminding a honey-trap scheme wherein false accusations, including those under Section 376 IPC, were levelled, to coerce substantial sums from individuals through fabricated criminal charges. The petitioner's role appears central to this organized racket, leveraging the threat of severe criminal implications to demand exorbitant payments, with specific instances of his extortion scheme detailed in the FIR.

9. Given the seriousness of the charges, the petitioner's previous involvement in similar case, and the critical need to investigate the full extent of this extortion, the Court finds no grounds to grant the petitioner extraordinary concession of anticipatory bail.



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10. Accordingly, the instant petition is hereby dismissed. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

October 25, 2024
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(MANJARI NEHRU KAUL)
JUDGE

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