



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

106

CRM-M-56463-2024
DATE OF DECISION: 13.11.2024

SALMAN KHAN

...PETITIONER

Versus

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr.Munfaid Khan, Advocate for the petitioner(s).
Mr. B.S.Virk, Sr. DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. Relief Sought

This petition has been filed under section 482 BNSS for the grant of anticipatory bail to the petitioner in FIR no. 195 (Annexure P- 1) dated 11.09.2024 Under Sections 384, 379B, 120B, 147, 149, 365, 506 of Indian Penal Code 1860 registered at Police Station Dhauj, District Faridabad.

2. Prosecution story, set up in the present case as per the version in the FIR read as under :-

*“To the Commissioner of Police Sector-21C, Faridabad.
subject: Application for taking legal action against accused
Saniya daughter of Mubish resident of Lal Kothi, Near Medical
Store Bochi and her other friends namely Saleem, Sallu @
Salman resident of village Fatehpur Kalan, Mubarik @ Kala
and 4-5 unknown persons for taking of Rs. 1,50,000/- and
demanding more money by putting a pressure to falsely involved
in honey trap case. Sir, it is prayed that I, Arif son of Arshad
resident of village Kharkajalalpur Tauru, Nuh Mewat and is a*



business of vehicles. I am married and have 5 children's i.e. 4 daughters and 1 boy and all children are small. On 16/17.02.2024 at about 7:00 PM, I received a telephonic call on my mobile number 9729161652 from the mobile number 8448252592, on which women was speaking. She asked whether Arshad was speaking, then I told that I am not Arshad and I am Arif. Thereafter, she told that her name is Saniya and I used to call a boy namely Arshad and thereafter she disconnected the call. Next day at around 2:30 PM, I received a call from the same number and she started talking with me sweetly and she asked me to come at Nuh but I refused. Thereafter, she told and asked me to come at Sohna, but I refused again. Thereafter, she told that she is going to the house of her Aunt's at Ballabgharh. Saniya also told me that her marriage was fixed with Arshad and Arshad gave his mobile number to her. On which I told that he did not know the person namely Arshad and I gave warning her to not make any call again. Thereafter, on 23.02.2024 I again received a call from same number on my phone, she told that she had enquired that you are the son of her aunt and she is in litigation with her first husband as he used to beat her every day after consuming liquor. She wanted to get divorce from him and due to relation I was asked to save her as she had no one in that world. Thereafter, I refused her by stating that I have no solution and I advised her to take help of police, but Saniya kept calling me again and again and she kept on pleading me to save her from her husband. I believed her words and I came in her sweets talking. I told all those talking to my friend Kala and I convinced him to go to the Saniya's house to solve the issue. On 23.02.2024 at about 07:30 PMm I started to go Ballabgharh with my friend Kala in his car. We reached Ballabgharh at around 08:30 PM and Saniya kept on calling with me on phone, Saniya told that she was standing at a patrol pump near Dirty drain near Tawatia Farm House on Sohna Road. We went to patrol pump, where she was alone standing the stated place was



ahead from patrol pump near a dirty drain. Soniya already stated me her identity on phone. That time, the time was 9:00 PM, Saniya asked us to take one more person from village Nekpur, who was friend of my husband. On believing her words, we started towards Nekpur and when we were just before Nekpur, Saniya asked to stop the car and she after getting down from the car stated that first we should talk here that what points were told there. We along with her alighted from the car. As and when we alighted from car, Saniya caught me and she instigated me to develop sexual relationship with her. Thereafter, 5-6 boys came on two motorcycles and two boys were already present there. All those boys threatened me and made a demand of money and Rs. 11,000/- were taken from my pocket and made me sit in the car. Mubarik started to drive the car and Saniya sit on the motorcycle of those boys and they took me on the canal and where they made a video of mine along with Saniya and threatened me to implicate in a false case of rape and thereafter they demanded of Rs. 10 lacs otherwise I would be implicated in false rape case. Due to threat I become a fear and I agreed to give them 5 lac Rupees. Thereafter, my friend Kala @ Mubarik called his brother-in-law Salman @ Sallu. I called my younger brother Nasir and told that I was trapped and asked me to deposit money in my account. Thereafter my brother transfer amount from his mobile number 8396979042 to the phone pay number 9813517002 of Kala. Thereafter, I made a telephonic call to Thekedar Mubarik by asking that we apprehended and these persons are demanding 1 lac rupees to rescue us and Thekedar Mubarik transfer 15,000/- Rupees from the mobile number 9813566940 of his nephew Mufeed to the mobile number of Kala. Thereafter, Munfed transferred 50,000/- Rupees on my mobile number 9729161652. Thereafter, I transferred Rs. 50,000/- on mobile number 8448252592 of Saleem came with those persons along with Saniya. Thereafter, Rs. 70,000/- and 20,000/- were transferred by Kala on these mobile numbers.



Thereafter we were released by those persons on the assurance on Salman @ Sallu to pay remaining amount to those persons. Thereafter, the telephonic call from the mobile number 9599214027 was received on my mobile number 9729161652 for remaining amount and the videos were also sent on my mobile with a threat that if 20,000/- Rs. are not deposited, then the video would be viral to involve me in the false case. I stated that I gave consent in positive. Thereafter I started to say that I would file a court case upon them, than they disconnected the telephonic call. I was in a mentally pressure and due to fear of owner in the society I gave Rs. 1,50,000/- to Kala. Thereafter, I went to my relative to arrange the money to fulfill their demand, where I came to know that Saniya was a professional woman and other persons is involved with her. Saniya was leaving with Saleem at Fatehpur Tagga and she used to trap the people in her love by calling them on phone. Then according her plan she used to take them to some place and used to make a physical relations with them and after that by showing the fear of getting implicated in the rape case she used to extort money from them. There are many persons in this gang including one Advocate. Saniya had already got registered many cases i.e. FIR No. 729/2023 u/s 376, 506, 34 IPC at police station Mujesar Faridabad and FIR No. 46/2022 u/s 376, 450, 328 if IPC at Women Police Station NIT Faridabad, FIR No. 396/2020 u/s 376 IPC at Police Station Court Kashim Rajasthan and FIR No. 72/2022 at police Station Jahangeerpur Bulandsehar UP. Saniya registered some more cases like these types. I came to know later that Kala was my friend is involved with the gang and Kala gave my mobile number to Saniya in connivance with her. Saniya has many these types gang. The person, who become ready to give money, would not be implicated by her and the persons who did not give money, would be falsely involved in the cases and after taking money she used to turned hostile. Saniya and her friends put a pressure in a rape case and grabbed money of Rs. 15,000/-



from me in their accounts. The legal action against them may kindly be taken and justice should be taken. Sd/- Arif, Mobile No. 9729161652 dated 19.03.2024."

3. Contentions

On behalf of the petitioner

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case and there is unexplained delay of 7 months in lodging the instant FIR. He submits that there is no allegations levelled by the complainant against the petitioner and as per the narrated facts in the FIR, the complainant himself requested the petitioner to accompany him. He further submits that co-accused Mukarab @ Mubarik @ Kala has already been granted concession of anticipatory bail by this Court vide order dated 16.10.2024 passed in CRM-M-51235-2024.

On behalf of the State

Learned State Counsel appearing on advance notice on instructions from Investigating Officer vehemently opposes the prayer for grant of concession of anticipatory bail stating that the petitioner was actively involved in the commissioning of the offence and he has shared an amount of extortion money which is yet to be recovered, therefore, prays for dismissal of the petition.

4. Analysis

Be that as it may, after given a thoughtful consideration to the submissions as made, by the counsel for both the parties, particularly to the effect that there is an inordinate delay of 7 months in lodging the instant FIR; no specific allegations have been levelled by the complainant against



the petitioner; and co-accused has already been granted concession of anticipatory bail by this Court, hence, this Court finds no reason to deny the petitioner the concession of anticipatory bail, wherein the petitioner has bona fide intentions and is willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency within the stipulated time period.

5. **Decision**

Hence, in view of the admitted set of circumstances before this Court, the petitioner is hereby directed to be released on anticipatory bail subject to him joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS of which are reproduced below :-

‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

- (i) a condition that the person shall make himself available for interrogation by a police officer as and when required;*
- (ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
- (iii) a condition that the person shall not leave India without the previous permission of the Court;*



(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.'

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within one week, the order passed by this Court today shall automatically stand cancelled.

The petition in the aforesaid terms stand allowed.

(SANDEEP MOUDGIL)
JUDGE

13.11.2024
anuradha

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>