

2024:PHHC:159786



111

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-60305-2024
DECIDED ON: 02.12.2024

RAFIK @ BHEEM

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Munfaid Khan, Advocate
for the petitioner.

Mr. Baljinder Singh Virk, Sr. DAG Haryana

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.195, dated 11.09.2024, under Sections 384, 379-B, 120-B, 147, 149, 365 and 506 IPC, registered at Police Station Dhauj, District Faridabad.

2. Prosecution story setup in the present case as per the version in the FIR 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 Kharkajalapur 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 Tewatia 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. Saniya 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 satiation 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. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that there is an unexplained delay of seven months in lodging the instant FIR as the incident took place on 16.02.2024 and the instant FIR was registered on 11.09.2024. He further contends that the petitioner is a man of clean antecedents as he is not involved in any other case of any nature.

The attention of this Court has been drawn to the order dated 18.11.2024 (Annexure P-2) passed by this Court in CRM-M-57131-2024, vide which co-accused has already been granted the concession of anticipatory bail. He further asserts that the petitioner is ready and willing to join the investigation and cooperate with the investigating officer.

On behalf of the State

Learned State Counsel appearing on advance notice, seeks dismissal of the instant petition on the ground that the petitioner in collusion with other co-accused extorted illegal money from the complainant and an amount of Rs.1,00,000/- is to be recovered from the present petitioner along with the alleged

car, therefore, his custodial interrogation is required at this stage. He could not put forth any direct evidence to connect the petitioner with the main accused Sonia.

4. **Analysis**

Be that as it may, having given a considerable thought to the submissions especially the fact that there is an unexplained delay of seven months in lodging the instant FIR as the incident took place on 16.02.2024 and the instant FIR was registered on 11.09.2024 and the petitioner is not a habitual offender as he is not involved in any other case, I am of the considered view that there is no valid or cogent reason to deny the bail to the present petitioner.

5. **Decision**

Hence, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, 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 a period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

02.12.2024

Meenu

(SANDEEP MOUDGIL)
JUDGE

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