



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-61913-2024
DECIDED ON: 10.12.2024

SAMSUDDINPETITIONER

VERSUS

STATE OF HARYANARESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Sanyam Khetarpal, Advocate for the petitioner.

Mr. B.S. 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 120-B, 379-B, 384 IPC (Sections 147, 149, 365, 506 IPC added later on), 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 am Arif son of Arshad resident of village Kharkajalalpur Tauru, Nuh Mewat and I have my own business of vehicles. I am married and have 5 children. I have 4 daughters and 1 son and my all children are very young. 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 one woman was speaking. She asked whether Arshad was speaking, then I told her that I am not Arshad I am Arif. Thereafter, she told me that her name is Saniya and she 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 very sweetly to me and she asked me to come at Nuh but I refused. Thereafter, she asked me to come to Sohna, but I refused again. Thereafter, she told that she is going to her Aunt's house at Ballabhgarh. Saniya also told me that her marriage was fixed with Arshad and Arshad gave my mobile number to her. On which I told her that I did not know the person namely Arshad and I told her not to call me again. Thereafter, on 23.02.2024, I again received a call from same number on my phone, she told me that she had enquired me and said you are the son of my aunt' and she told me that her husband used to beat her every day after consuming liquor. She wanted to get divorce from him and as we are relatives she told me to save her because she had no one in the world. Thereafter, I refused to help her by stating that I have no solution for this and I advised her to take help from police, but Saniya kept calling me again and again and she kept on requesting me to save her from her husband. I came in her sweet talk and I believed her. I talked to my friend Kala and I convinced him to go to

Saniya's house to solve the issue. On 23.02.2024 at about 07:30 PM I went to Ballabhgarh with my friend Kala in his car. We reached Ballabhgarh at around 08:30 PM and Saniya kept talking to me on phone. Saniya said that she was standing at a petrol pump near Dirty drain at Tewatia Farm House on Sohna Road. We went to petrol pump, where she was standing alone on the stated place which was ahead from petrol pump near a dirty drain. Saniya already told me her identity on phone. That time, it is around 9:00 PM, Saniya asked us to take one more person from village Nekpur, who was friend of her husband. On believing her words, we start moving towards Nekpur and when we were just before Nekpur, Saniya asked to stop the car and after that she get down from the car by saying that first we should talk here and decide that what points we are going to talk there. We along with her went out from the car. As and when we went out of the 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 took out Rs. 11,000/- from my pocket and made me sit in the car. Mubarik started to drive the car and Saniya sit on the motorcycle with 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. Due to threat and fear 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 him that I was trapped and asked him to deposit money in my account. Thereafter my brother transfer money from his mobile number 8396979042 to the phone pe number

9813517002 of Kala. Thereafter, I made a telephonic call to Contractor (Thekedaar) Mubarik, I told him that we are trapped here and these persons are demanding 1 lac rupees to leave us and contractor (Thekedaar) Mubarik transferred Rs. 15,000/- from the mobile number 9813566940 of his nephew Mufeed to the mobile number of Kala. Thereafter, Mufeed transferred 50,000/- Rupees on my mobile number 9729161652. Thereafter, I transferred Rs. 50,000/- on mobile number 8448252592 of Saleem who came with those persons along with Saniya. Thereafter, Rs. 70,000/- and Rs. 20,000/- were transferred by Kala on these mobile numbers. Thereafter we were released by these persons on the assurance on Salman @ Sallu to pay the remaining amount to them. 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 Rs. 20,000/- were not deposited, then the video would be viral and they will involve me in the false case. I stated that I will deposit the amount. Thereafter I started to say that I would file a court case upon you, then they disconnected the telephonic call. I was in a mental pressure and due to fear of honor in the society I gave Rs. 1,50,000/- to Kala. Thereafter, I went to my relatives to arrange the money to fulfill their demands, where I came to know that Saniya was a professional woman and other persons are also 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 to her plan, she used to take them to some place and make physical relations with them. Then she used to make video of the same. After that by showing the fear of getting implicated in a 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 of 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 more cases like this. I came to know later that Kala who was my friend is also involved with the gang and Kala gave my mobile number to Saniya in connivance with her not Arshad. Saniya has different types of gangs. 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 threatened me to implicate in a false rape case and grabbed Rs. 15,000/- from me in their account. Legal action against them may kindly be taken and justice should be served to me.”

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 whereas FIR was registered on 11.09.2024. He further contends that no specific role has been attributed to the petitioner to connect him with the alleged offence. It has been contended on behalf of the petitioner that his co-accused Mukarab @ Mubarik @ Kala, Salman Khan, Nabbar Khan, Salim, Gaurav Tyagi, Rafik @ Bheem, Jamshed @ Jamshed Khan have already been granted the concession of anticipatory bail by this

Court vide orders dated 16.10.2024 (Annexure P-2), 13.11.2024 (Annexure P-3), 18.11.2024 (Annexure P-4), 21.11.2024 (Annexure P-5), 21.11.2024 (Annexure P-6), 02.12.2024 (Annexure P-7), 03.12.2024 (Annexure P-8) respectively.

On behalf of the State

Learned State Counsel appearing on advance notice, seeks dismissal of the instant petition on the ground that the petitioner was actively involved in the commissioning of the offence and he shared the amount of extortion money which is yet to be recovered, therefore, his custodial interrogation is required at this stage.

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 has been registered on 11.09.2024 and the fact that co-accused Mukarab @ Mubarik @ Kala, Salman Khan, Nabbar Khan, Salim, Gaurav Tyagi, Rafik @ Bheem, Jamshed @ Jamshed Khan have already been granted the concession of anticipatory bail by this Court vide orders dated 16.10.2024 (Annexure P-2), 13.11.2024 (Annexure P-3), 18.11.2024 (Annexure P-4), 21.11.2024 (Annexure P-5), 21.11.2024 (Annexure P-6), 02.12.2024 (Annexure P-7), 03.12.2024 (Annexure P-8) respectively, I am of the considered view that there is no valid or cogent reason to deny the bail to the present petitioner.

5. Decision

In the light of above, 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.

(SANDEEP MOUDGIL)
JUDGE

10.12.2024

Poonam Negi

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No