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

**CRM-M No.19363 of 2025
Date of Decision: 08.05.2025**

Musrat @ Shutan**..... Petitioner****Versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. Nafeesh Ahmed, Advocate
for the petitioner.

RAJESH BHARDWAJ, J.

1. Present petition has been filed praying for the grant of anticipatory bail to the petitioner in case bearing FIR No.45, dated 28.07.2023, under Section 420, 120-B, 507, 417, 385 of IPC, 1860 and Sections 66-D, 67, 67-A of Information Technology Act, registered at Police Station Taragarh, District Pathankot, Punjab (Annexure P-1). Further prayer has been made for staying the arrest of the petitioner during the pendency of the present petition.

2. Succinctly the facts of the case are that FIR in the present case was got registered on the statement of complainant, namely, Ravinder Singh. It was alleged that in February, 2023, he received video calls from one girl from unknown number 6-7 times and one day, when he was alone and consuming liquor, she threatened him to make her



videos viral having been made by her in obscene condition and started blackmailing him by asking to pay the money. Under the threat, the complainant transferred the money to her and thereafter he again started receiving threat calls from one Sunil Dutt Dubey, who projected himself as DSP of Crime Branch. On the threat that his videos would be viral through social media platform, the complainant was again compelled to transfer the money. Thus by this *modus operandi*, the complainant was compelled to transfer the money to the tune of Rs.15,00,000/-. Having no other alternative, the petitioner lodged the complaint with the police with the request to take the legal action. On registration of the FIR, the investigation commenced. During the investigation, co-accused, Akbar was arrested. He made a disclosure about the complicity of the petitioner with him in blackmailing the complainant and similarly situated victims and thus the petitioner, namely, Musrat @ Shutan, arrayed as an accused in the present case. Apprehending his arrest, the petitioner approached the Court of learned Sessions Judge, Pathankot praying for the grant of anticipatory bail. However after hearing both the sides, finding no merit in the same, the learned Sessions Judge, Pathankot dismissed the petition filed by the petitioner vide his order dated 25.03.2025. Hence being aggrieved, the petitioner is before this Court by way of filing the present petition praying for the grant of anticipatory bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely and frivolously implicated in the present case. He has submitted that neither the petitioner is named in the



FIR nor there is any overt act alleged against him, however he has been implicated in the present case on the basis of disclosure statement of co-accused, Akbar, which is not an admissible evidence. He has submitted that there is no evidence collected by the Investigating Agencies for showing any *prima facie* case having been made against the petitioner and thus he deserves to be granted anticipatory bail.

4. Notice of motion.

5. On asking of the Court, Mr. Tarun Aggarwal, Addl. A.G., Punjab appears and accepts notice on behalf of the respondent-State. He has vehemently opposed the submissions made by learned counsel for the petitioner. He has submitted that during the investigation, complicity of the petitioner has been established. He has submitted that the petitioner along with co-accused had blackmailed the complainant and extorted hefty amount from him. He has submitted that for free and fair investigation, custodial interrogation of the petitioner is essential and thus, there is no ground for enlarging the petitioner on anticipatory bail is made out. He has submitted that the investigation is at threshold and granting bail to the petitioner at this stage would scuttle the ongoing investigation. He has thus submitted that the petition being devoid of any merit deserves to be dismissed.

6. Heard.

7. On hearing learned counsel for the parties and perusing the record, it is deciphered that FIR in the present case has been registered by the complainant on the specific allegations that he was receiving



unknown call from one girl and thereafter he was blackmailed by showing his obscene videos to him. He was threatened to make his video viral in case he failed to transfer the amount, as asked from him. Under the threat, the complainant transferred a total amount of Rs.15,00,000/- to them. During the investigation, co-accused Akbar was arrested, who made a detailed disclosure about the *modus operandi*, which has been carried out in conspiracy with the petitioner. It was disclosed that the petitioner and co-accused had also cheated other person of District Pathankot to the tune of Rs.20,00,000/- by threatening him. They got swiped money through forged bank accounts through transaction machine. From the co-accused, recovery of swipe machines, pass books, rubber stamps, ATM cards, 10 different Aadhar Cards etc. were also recovered.

8. Thus it is evident that the gravity of offence is serious. The investigation is at threshold. There is a strong *prima facie* case against the petitioner and for unraveling the mystery, custodial interrogation of the petitioner is essential.

9. For the consideration of anticipatory bail, the statutory parameters are given under Section 482 (1) & (2) BNSS which reads as under:-

“Direction for grant of bail to person apprehending arrest:

1. *When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction*



under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.

2. *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."*

10. As per the law settled by the Hon'ble Supreme Court, in ***Gurbaksh Singh Sibbia Vs. State of Punjab***, AIR 1980 SC 1632, while granting anticipatory bail, the Court is to maintain a balance between the individual liberty and the interest of society. However, the interest of the society would always prevail upon the right of personal liberty. The relevant part of the judgment is as follows:-

“31. *In regard to anticipatory bail, if the proposed accusation appears to stem not from motives of furthering the ends of justice but from some ulterior motive, the object being to injure and humiliate the applicant by having him arrested, a direction for the release of the applicant on bail in the event of his arrest would generally be made. On the other hand, if it appears likely, considering the antecedents of the applicant, that taking advantage of the order of*



anticipatory bail he will flee from justice, such an order would not be made. But the converse of these propositions is not necessarily true. That is to say, it cannot be laid down as an inexorable rule that anticipatory bail cannot be granted unless the proposed accusation appears to be actuated by mala fides; and, equally, that anticipatory bail must be granted if there is no fear that the applicant will abscond. There are several other considerations, too numerous to enumerate, the combined effect of which must weigh with the court while granting or rejecting anticipatory bail. The nature and seriousness of the proposed charges, the context of the events likely to lead to the making of the charges, a reasonable possibility of the applicant's presence not being secured at the trial, a reasonable apprehension that witnesses will be tampered with and "the larger interests of the public or the state" are some of the considerations which the court has to keep in mind while deciding an application for anticipatory bail. The relevance of these considerations was pointed out in State v. Captain Jagjit Singh (1962) 3 SCR 622, which, though, was a case under the old Section 498 which corresponds to the present Section 439 of the Code. It is of paramount consideration to remember that the freedom of the individual is as necessary for the survival of the society as it is for the egoistic purposes of the individual. A person seeking anticipatory bail is still a free man entitled to the presumption of innocence. He is willing to submit to restraints on his freedom, by the acceptance of conditions which the court may think fit to impose, in consideration of the assurance that if arrested, he shall be enlarged on bail."



11. The Hon'ble Supreme Court in *State Vs. Anil Sharma*, (1997) 7SCC 187, held as under:-

“6. *We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favorable order under Section 438 of the Code. In a case like this effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.*”

12. Weighing the facts of the case on the anvil of the law settled, it is apparent that the complicity of the petitioner has been prima facie found. Allegations made against the petitioner are serious in nature. Needless to say, the investigation is at the threshold and in the facts and circumstances, custodial interrogation of the petitioner would be essential



and granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.

13. In view of the overall facts and circumstances of the case, the petitioner does not qualify for the grant of anticipatory bail and the same is hereby dismissed. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

08.05.2025

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

(RAJESH BHARDWAJ)
JUDGE