



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

211 **CRM-M-55650-2024**
Date of decision: 20th January, 2025

Reena @ Mona ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Akbarjit Singh, Advocate for the petitioner.
(Through VC)
Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

Present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail to the petitioner(s) in case FIR No. 182 dated 01.08.2024 registered under Sections 308(2), 127(2), 351(3), 115(2) and 61(2) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') at Police Station Kotwali, District Kapurthala.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR had been registered on the basis of statement recorded by the complainant-Makhan Singh working as a Security Supervisor in a school to the effect that from the last one week, he was receiving some phone calls on his mobile phone. The caller who was a female introduced herself as Nisha and induced him to meet with her. She called him at village Dandupur, Kapurthala on 30.07.2024 and on her insistence, he had reached at the given address. On reaching there, two



females met him. One of them embraced him and made him remove his clothing. She also removed the apparels worn by her. At the same time, four youths entered inside the room, wherein the complainant was present with that female. They started making a video of the complainant and then forcefully tied him with a cloth. They extended threats to foist a rape case against him, if he did not part with a sum of Rs. 5,00,000/-. They also snatched his wallet and removed cash amount of Rs. 7000/- and some important documents kept therein. They also made him to pay Rs. 54,000/- from his google pay amount in the name of one Nisha. He was forced to give an amount of Rs. 1,50,000/-.

3. As per the further allegations, the complainant pleaded with them to contact some friend for borrowing money and then called his village Sarpanch Lakhwinder requesting him for giving a sum of Rs. 50,000/-. Those four youths and females whose names he came to know as Nisha, Mona, Jobanpreet, Ramesh, Buta and Sunny then took him to his village for the purpose of receiving money but as the complainant could not arrange money, they started extending threats. He somehow managed to flee from that place.

4. After registration of the FIR, investigation proceedings have been initiated and are underway. The accused Buta Singh and Jobanpreet Singh have been arrested. The accused Buta Singh suffered disclosure statement admitting his involvement in the subject crime and also took the name of the present petitioner. Apprehending her arrest, the petitioner moved an application for grant of anticipatory which was dismissed by the Special Court presided by learned Additional Sessions Judge, Kapurthala



vide order dated 06.09.2024.

3. It is argued by learned counsel for the petitioner that she has been falsely implicated in this case. It is the co-accused Nisha, who is alleged to have committed the subject offences. Money from the complainant has also been extorted by her. She was not present at the spot. No specific overt act has been attributed to her. There is no money trail between her and the complainant. She is ready to join the investigation. Her custodial interrogation is not required. She does not have any criminal antecedents. No recovery is to be effected from her. Even her correct name had not been mentioned in the complaint as she is known by the name of Reena. Therefore, it is urged that she deserves to be extended benefit of pre-arrest bail.

4. Status report has been filed by the respondent-State. Learned Assistant Advocate General, Haryana, has argued that there are serious allegations against the petitioner who by hatching a conspiracy with the co-accused, wrongfully confined the complainant, criminally intimidated him, assaulted him and extorted money from him. Her custodial interrogation is required for conducting thorough investigation in the matter and for eliciting the truth. It is, therefore, argued that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. The petitioner is alleged to have hatched a conspiracy with the co-accused and in pursuance of the same, the petitioner was called by the co-



accused Nisha at village Dandopur wherein, he has been wrongfully confined, criminally intimidated, assaulted and then money was extorted from him by threatening him to involve in a rape case. The allegations against the petitioner are serious in nature. For the purpose of conducting thorough investigation in the matter, custodial interrogation of the petitioner is must. The powers of anticipatory bail are extra ordinary and the same are to be exercised sparingly and in exceptional circumstances. The Court must be circumspect while exercising such power for grant of anticipatory bail and it should not be granted as a matter of rule and has to be granted only when the Court is convinced that exceptional circumstances exist to resort to that extra ordinary remedy. In the present case, no such exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing. Keeping in view the gravity of allegations as levelled against the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, I am of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

7. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

8. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

20th January, 2025

Parveen Sharma

1. *Whether speaking/ reasoned*
2. *Whether reportable*

: *Yes / No*
: *Yes / No*