

CRM-M-58561-2024
Reserved on: 10.01.2025
Pronounced on: 30.01.2025

...Petitioner

Versus

...Respondent

Present: Mr. Mohan Singla, Advocate for
Mr. Jasdev Singh Thind, Advocate
For the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
66	26.02.2024	Agroha, District Hisar	323, 34, 365, 386, 389 and 506 IPC

1. The petitioner incarcerated in the FIR captioned above came before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. In paragraph 12 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are taken from the translated copy of the FIR attached to the bail petition, which reads as follows:

"I am resident of the aforementioned address and I work as an account clerk in Sadalpur Gaushala Yesterday on dated 25.02.2024 at around 12 o'clock in the morning I received phone call on the number provided to me by the Gaushala 98965xxxx from 999146xxxx, on which a woman was speaking and upon asking she disclosed that I am Kavita from Durjanpur and I want to meet you. Then I asked her where do you want to meet, then she said I will meet you at Chickenwas. Then I went to my home with my motorcycle No. HR-20AH-3284 make Splendor and after taking helmet from my house went below the Chickenwas flyover, where that lady who was calling herself Kavita met with me and both of us went to Tandoori Hotel, near Toll Plaza, Landhari and after sitting there for a while at around 2:30 P.M. booked room No.210 and both of us went inside the room, where I had intercourse with Kavita with her consent. After that I came outside the hotel at 3:20

P.M. I was going to procure my motorcycle, then three boys alighted from the car Thar HR-25H-0003 that was already standing there and forcibly put me inside the car and had Kavita sit inside the car started towards Hisar after turning around a little before the Toll. They started beating me in the car. They took out the 15-16 thousand rupees inside my pocket and the mobile phone provided by the Gaushala make KeyPad and my self-owned phone make OPPO56 in which SIM No. 97000xxx was installed and second SUM No.97284xxxx was installed and they kept on beating me inside the car and kept on saying get 15 lakh rupees or otherwise we shall incriminate you in a rape case. I told them my family members do not have 15 lakh rupees, on which they said get 5 lakh rupees. After that I gave them the mobile number of my brother Kimti Lal. After that they called my brother Kimti Lal on his No. 99925xxxx from my phone and had me talk to him and talked to them about 5 lakh rupees. After that they kept on driving the car here and there and kept on beating me. In between they kept on making phone calls. At around 8:30 to 9 in the intervening hours, they made me alight the vehicle at Patel Chowk, Hansi and handed me the small keypad phone and said that when you arrange the money, contact your secondary mobile number and get the money and take back your second mobile phone, PAN card and license and all four absconded from that place in their vehicle. I have been unlawfully kidnapped by Kavita and her accompanying boys of which they were calling each other Naveen, Vicky and Pradeep and have threatened to inculcate me in a rape case and have extorted money from me by coercing me on that pretext and have stolen my mobile phone and money and have physically beaten me and have threatened to kill me. Legal action may be taken against them. Now you have arrived, I have had my statement be recorded to you, heard it; it is found to be correct. Sd/- Sunil Attested ASI Ramji Lal, P.S. Agroha, dated 26.02.2024."

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and refers to the reply. State counsel submits that the petitioner is not entitled for bail on parity with co-accused because the co-accused was granted bail due to his role which was on a much lower footing whereas the petitioner is main accused.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

"That as far as the role of the petitioner/accused, it is submitted that he along-with co-accused abducted the complainant from outside of the hotel so as to extort money from him after putting him in fear of his implication in a false rape case. They even assaulted the complainant and robbed him of his articles. His

mobile phone was recovered from petitioner/accused Vikram. The allegations against the petitioner/accused are serious in nature. That petitioner/accused cannot seek any parity with co-accused Sandeep because their roles are totally different. Co-accused Sandeep has been booked with the allegations of conspiracy, whereas the allegations against the present petitioner/accused are that they abducted and assaulted the complainant. The incident has been captured in the CCTV footage.”

7. Prayer for grant of bail has been made on the grounds that the case is concocted, all the witnesses are police officials and the petitioner is entitled to bail on parity with one of the co-accused Sandeep to whom this Court had granted the bail vide order dated 27.09.2024 in CRM-M-25110-2024, titled as “Sandeep Singh Vs. State of Haryana”.

8. Petitioner is one of the main accused who, in connivance with the lady, trapped innocent people and after that put them to fear of social humiliation, defamation and disgrace, in order to extract money from him. The petitioner and the lady exploited the laws which were drafted to protect women. But these accused put those laws to their advantage by extorting money from innocent people. Thus the given nature of the allegations against the petitioner, he is not entitled for grant of bail on the grounds of parity with the co-accused Sandeep Singh who was granted bail not on merits but due to paucity of evidence against him. As far as the petitioner is concerned, he was one of the main accused and a co-conspirator with the lady who had used her body to allure males for consensual sexual relationship and later on threatened to implicate them in false cases unless they pay her ransom. The petitioner’s role is that he had also snatched the valuables from the complainant and had also threatened him to pay extortion money. Thus, there is element of cruelty and physical assault attributed to the petitioner which was missing in the case of the co-accused Sandeep. Thus, the petitioner is not entitled to bail.

9. A perusal of the bail petition and the documents attached prima facie points towards the petitioner’s involvement and does not make out a case for bail. The impact of crime would not justify bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.

10. The petitioner’s custody of around 11 months cannot be termed prolonged, given the minimum sentence prescribed for the offense.

11. Regarding the delay in the trial, if the trial does not conclude within two years of the petitioner’s custody, and the delay is not attributable to the petitioner, the petitioner may apply for bail before the trial Court. The Court shall not be influenced by the dismissal of bail on merits or by the criminal history and shall decide it on changed circumstances and the prolonged trial.

12. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

13. **Petition dismissed.** Interim orders, if any, are recalled with immediate effect. All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

30.01.2025
M.Sikka

Whether speaking/reasoned: Yes
Whether reportable: No.