

AJAY SINGH ALIAS SAHIL ALIAS SAMAR

... PETITIONER

Versus

STATE OF PUNJAB

... RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Akashdeep Singh sidhu, Advocate for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J (ORAL)

Learned State counsel has filed status reply by way of an affidavit dated 21.01.2025 of Deputy Superintendent of Police, Sub-Division Malout, Sri Muktsar Sahib, the same is taken on record, copy thereof has been supplied to the counsel opposite.

2. By way of the present petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) the petitioner is praying for anticipatory bail in the event of arrest in FIR detailed as under (Annexure P-1/T):-

FIR No.	Dated	Sections	Police Station
006	17.02.2024	377, 384, 506, 34 IPC and Section 67A of Information Technology Act, 2000	Lakhewali, District Sri Muktsar Sahib, Punjab.

3. Argument heard.

4. It is, *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He



submits that the petitioner is running a grocery store and had lent money to the complainant and when he demanded his money back number of times, complainant tried to delay the matter and on 29.01.2024 complainant transferred ₹22,000/- and on 30.01.2024 transferred ₹15,000/- and ₹500 through phone pay and online methods. He submits that no specific overt act has been attributed to the petitioner and the petitioner was not present on the alleged spot of the occurrence on the said date. He submits that co-accused Gurpreet Singh and Hema Singh have already granted concession of bail by trial Court. He submits that petitioner is ready to join investigation, as such prays for grant of concession of anticipatory bail to the petitioner.

5. *Per contra*, learned State counsel has assailed these arguments by submitting that there are specific allegations against the petitioner of forcing the complainant to masturbate the penis of co-accused Hema and of recording the obscene act in his mobile phone and also of forcibly taking mobile phone and purse of the complainant. There are also allegations of alleged transfer of money from complainant to petitioner on the pretext of threatening of making the obscene video viral. He contends that petitioner has actively participated in the crime and recovery of mobile phone in which the alleged obscene video was recorded is yet to be recovered for which custodial interrogation of the petitioner is required. Hence prayed for dismissal of the petition.

6. After considering the arguments and perusing the record, it transpires that the instant FIR was registered on the complaint of Sukhdev Ram stating that Hema co-accused had called on 29.01.2024 to come to his



house to discuss family matter, he reached at about 2:00PM and after 10 minutes two more persons arrived whom he later learnt that they were Dr. Sahil alias Samar and Gurpreet Singh, thereafter they closed the door and abused and threatened the complainant with illegal weapon and asked to perform masturbation act on Hema and put private part of the Hema in his mouth and recorded the obscene act and asked him to provide one lakh rupees otherwise they would viral the obscene video on social media. Complainant, however had paid ₹47500/- to them. On 03.02.2024 Dr. Sahil again called him and asked for more money and that call was also recorded in which he is saying that on payment of money he will delete the video. The accused are blackmailing him in greed of money and gave life threatening warnings. Hence FIR was registered on above allegations.

7. It is evident from the record that petitioner had actively participated in the crime and as per reply of the State there is voice recording conversation between the complainant and petitioner where he was threatening the petitioner and demanding money to delete the obscene video. The recovery of mobile phone used in recording of obscene act is yet to effected from the petitioner. Therefore, considering the serious nature and gravity of offence, no case is made out in favour of the petitioner for grant of anticipatory bail in the present petition, the same is hereby dismissed.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

23.01.2025

Gyan

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No