

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-63501-2024
Reserved on: 06.03.2025
Pronounced on: 19.03.2025

Ripudaman

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. B.S. Khehar, Advocate,
for the petitioner.

Mr. Adesh Pal Singh, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
215	05.11.2024	City Rupnagar, Distt. Rupnagar	143(2), 308(2), 308(3), 308(7), 351(2) of BNS.

- The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 438 CrPC seeking anticipatory bail.
- As per paragraph 14 of the bail petition and as per para 8 of the status report, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Dated	Offenses	Police Station
1.	180	25.09.2008	420, 120-B IPC	Dharamkot, Distt. Moga
2.	122	22.12.2020	386, 120-B, 34 IPC	Sadar Balachaur, Distt. SBS Nagar

- The facts and allegations are being taken from translated copy of FIR annexed with bail petition as Annexure P-1, which reads as follows:

"Copy of the Statement," Statement of Mandeep Kaur wife of Jasvir Singh resident of Village Kotla Nihang Police Station City Rupnagar District Rupnagar Aged 30 Years Mobile Number 83608xxxx. Stated that I am resident of the above said address and doing housework. I am +2 pass. My husband Jasvir Singh is residing at Saudi Arab since 2022. I had friendship with Mamta Bader wife of Ripudaman, and Mamta Bader and Ripudaman used to visit to my house. On 29.10.2024, Mamta Bader called me at her house No. 292 Chhoti Haveli near HMT Hotel Rupnagar, and I reached Mamta Bader's house at about 12:30 PM, where a person was already present whose name I came to know later on as Parkash, then

Ripudaman and Mamta Bader kept forcing me to have a relation with Prakash, then Ripudaman and Mamta Bader made videos of mine and Parkash in their mobile phones and started saying to me that if you don't give us money then we will make your video viral. I was afraid of my disrepute and gave Rs.30,000/- in cash to Ripudaman and Mamta Bader on 31.10.2024. Then Ripudaman and Mamta Bader started blackmailing me by saying that if you will not make illicit relations with the person as we suggest, then we will upload your video on social media. Simran Verma alias Rajji's wife of Gurpiar Singh resident of Shampura and Sunny Sharma son of Tarsem Sharma resident of Shampur and Ripudaman together with Mamta Bader are blackmailing me. They also told me that we are looking for a rich person and you must make illicit relation with him and we by filing a rape case against him would extract a huge amount from him. Mamta Bader also threatened me that if you do not follow our instructions then we will also get a case registered against you by keeping illegal items in your Activa. These abovesaid persons have extracted a lot of money by blackmailing many other persons too, and there are other persons also involved with these persons, who should be found out. I have come to you under compulsion after getting fed up with the abovesaid people. Appropriate legal action be taken against Ripudaman, Mamta Bader residents of House No. 292 Chhoti Haveli Rupnagar, Sunny Sharma son of Tarsem Sharma resident of Shampura Rupnagar, Simran Verma alias Rajji wife Gurpiar Singh resident of Shampura Rupnagar and Prakash. Today, I have recorded my statement to you in the presence of Mandeep Singh son of Avtar Singh resident of Kotla Nihang police station City Rupnagar, which has been read, heard and it is correct.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.
5. The State's counsel opposes bail and refers to the status report.
6. It would be appropriate to refer to the following portions of the status report, which read as follows:

“A. ROLE OF THE PETITIONER:

7. It is respectfully submitted that Petitioner-Ripudaman along with his wife and other co-accused trafficked the Complainant-Victim by using threats, blackmailing and coercion and forced her to do prostitution and Petitioner-Ripudaman along with his wife extorted Rs.30,000/- from Complainant-Victim by blackmailing her on the ground that they would

make her indecent video viral in the social media. It is further submitted that Petitioner-Ripudaman along with his wife and other accused were running a gang through which they honey trapped the affluent persons and later on they use to extract huge amount from them by threatening them to involve in rape cases and such victim even did not choose to report the matter due to their reputation. It is further submitted that the Petitioner-Ripudaman and his co-accused including his wife pushed the complainant-victim in prostitution by compelling her to make relations with different persons by blackmailing, duress and coercion and Petitioner-Ripudaman is kingpin of the aforementioned gang.

THE EVIDENCE AGAINST THE PETITIONER

It is respectfully submitted that Complainant-Victim, Mandeep Singh son of Avtar Singh and Narinder Singh Nagra son of Gurbachan Singh are the victim and eye-witnesses of the case and they have got recorded their statements against the Petitioner-Ripudaman and his co-accused. It is further submitted that on 18.12.2024 Petitioner-Ripudaman produced his mobile phones and that of his wife-Mamta Vader, before the Investigating Officer and the same have been sent to Digital Forensic Lab, Rupnagar, Range Rupnagar and the alleged indecent video of the victim made by the Petitioner-Ripudaman and his wife are yet to be retrieve from the mobile phones.”

REASONING:

7. Evidence against the petitioner is of digital nature, he already handed over his mobile phone for examination by FSL to the investigator as such, he is entitled for bail. Pre-trial incarceration should not be a replica of post-conviction sentencing. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

8. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.

9. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a

Court, then the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

10. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

11. This order is subject to the petitioner's complying with the following terms.

12. The petitioner is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

13. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

14. The conditions mentioned above imposed by this court are to endeavor to reform and ensure the accused does not repeat the offense. In Mohammed Zubair v. State of NCT of Delhi, 2022:INSC:735 [Para 28], Writ Petition (Criminal) No 279 of 2022, Para 29, decided on July 20, 2022, A Three-Judge bench of Hon'ble Supreme Court holds that "The bail conditions imposed by the Court must not only have a nexus to the purpose that they seek to serve but must also be proportional to the purpose of imposing them. The courts, while imposing bail conditions must balance the liberty of the accused and the necessity of a fair trial. While doing so, conditions that would result in the deprivation of rights and liberties must be eschewed."

15. Till the completion of trial, the petitioner shall not call, text, message, stare, stalk, make any gestures or express any unusual or inappropriate, verbal or otherwise

objectionable behaviour towards the victim and victim's family, either physically or through phone call or any other social media, through any other mode, nor shall unnecessarily roam around the victim's home and workplace.

16. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

17. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

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

19. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

20. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

19.03.2025
Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.