

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-65086-2024
Reserved on: 06.03.2025
Pronounced on: 19.03.2025

Mamta Vader ...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.

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. As per paragraph 11 of the bail petition and as per para 9 of the status report, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Dated	Offenses	Police Station
1.	122	22.12.2020	386, 120-B, 34 IPC	Sadar Balachaur, Distt. SBS Nagar

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

"Copy of statement. "Statement of Mandeep Kaur wife of Jasvir Singh, resident of Village Kotla Nihang, Police Station City Rupnagar, District Rupnagar, aged 30 years, Mobile No. 83608xxxx. Stated that I am resident of the above mentioned address and doing the household work. I am +2 pass. My husband Jasvir Singh has since gone abroad at Saudi Arab from the year 2022. I had friendship with the wife of Ripudaman namely Mamta Badher and Mamta Badher & Ripudaman were kept on visiting my house. On 29.10.2024 Mamta Badher called me at her house No. 292 Chhotti Haveli, Near H.M.T. Hotel, Rupnagar and I reached at the house of Mamta Badher at about 12:30 PM, where a person whose name was subsequently came to known be to me as Parkash, was already present.

Then Ripudaman and Mamta Badher kept on forcibly compelling me to develop relations with Parkash, then Ripudaman and Mamta Badher prepared video of me and Parkash in the mobile phone and started saying me that give the money, otherwise we have to viral your video. I due to fear of my defamation gave Rs.30,000/- in cash to Ripudaman and Mamta Badher on dated 31.10.2024 and Ripudaman as well as Mamta Badher again started blackmailing me and started saying me that you in accordance with our version, may develop illicit relations with the person with whom we shall say, otherwise we have to upload your video on the social media. After having been connived with Mamta Badher, Simran Verma alias Rajji wife of Gurpyar Singh, resident of Shampura and Sunny Sharma son of Tarsem Sharma, resident of Shampura & Ripudaman blackmail me, who also said to me that we search for some rich person, you may develop illicit relations with him and we by lodging a rape case against him shall recover hefty amount. Mamta Badher also extended threat to me that if you did not do according to version then by keeping any illegal article in your Aactiva, shall get registered an FIR against you. These above mentioned persons by blackmailing certain other persons have recovered adequate amount from them. Along with these above our mentioned persons, there are many other persons, regarding whom inquiry may be made. I after having been harassed from the above mentioned persons, have come before you under compulsion. Appropriate legal action may kindly be taken against Ripudaman, Mamta Badhera, residents of House No. 292, Chhotti Haveli, Rupnagar, Sunny Sharma son of Tarsem Sharma, resident of Shampura, Rupnagar, Simran Verma alias Rajji wife of Gurpyar Singh, resident of Shampura, Rupnagar and Parkash. Today I have got recorded my statement before you in the presence of Mandeep Singh son of Avtar Singh, resident of Kotla Nihang, Police Station City Rupnagar. The statement has been gone through, heard, the same is correct.”

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 her 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-Mamta Vader along with her

husband and other co-accused trafficked the Complainant-Victim by using threats, blackmailing and coercion and forced her to do prostitution and Petitioner-Mamta Vader along with her husband 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-Mamta Vader along with her husband 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 a rape cases and such victim even did not choose to report the matter due to their reputation. It is further submitted that the Petitioner-Mamta Vader and her co-accused including her husband pushed the complainant-victim in prostitution by compelling her to make relations with different persons by blackmailing, duress and coercion.

B. 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-Mamta Vader and her co-accused. It is further submitted that mobile phone of Ripudaman (husband of the Petitioner) and the Petitioner-Mamta Vader, produced by him on 18.12.2024 has been sent to Digital Forensic Lab, Rupnagar, Range Rupnagar and the alleged indecent video of the victim made by the Petitioner-Mamta Vader and her husband is yet to be retrieve from the mobile phones of the Petitioner-Mamta Vader and her husband Ripudaman.”

REASONING:

7. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing. As per paragraph 9 of the bail petition, the petitioner has been in custody since 06.11.2024. As per custody certificate dated 01.02.2025, the petitioner's total custody in this FIR is 02 months and 25 days and as of now more than four months. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability further pre-trial incarceration at this stage.

8. 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 bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned 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 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.

13. 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."

14. 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.

15. 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.

16. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.
17. 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.
18. **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.