



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

CRM-M-15806 of 2025
Date of decision: 12.05.2025

Dxxx

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Dr. Deepak Jindal, Advocate,
for the petitioner.

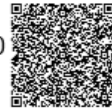
Ms. Priyanka Sadar, AAG, Haryana.

Ms. Rashi Sehrawat, Advocate,
for respondents No.2 and 3.

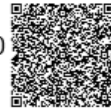
NAMIT KUMAR, J.

1. This petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in case FIR No.770 dated 21.12.2024 registered under Sections 308(5), 79, 351(3) of the Bharatiya Nyaya Sanhita, 2023 and Section 12, 17 of the Protection of Children from Sexual Offences Act at Police Station Sector 10, Gurugram.

2. Present FIR has been registered on the basis of complaint moved before the police by respondent No.2 alleging therein that she has been a permanent resident of XXXX, Gurugram where she along with her family had been residing. Her Account Number is XXXX306 of Union Bank of India, Gurugram. Her land was acquired and she got approximately Rs.2 Crores as compensation amount. She alleged that she being an illiterate and

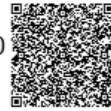


old aged lady could not operate on-line transaction from her Bank Account and same were being operated by her grand-daughter 'K', aged about 15 years 11 months (respondent No.3 herein) who had been a student of 10th Class. She alleged that the child victim disclosed to her that since February, 2024 Amit (CCL hereinafter) was putting pressure on her that he would edit her photographs and circulate the same on Internet and while threatening her he had got transferred the amount from her account. She alleged that the child victim further revealed that CCL had further shared the mobile number of child victim without her consent to several persons namely, Sumit Tanwar son of Sanjay resident of Garhi Harsaru, Sumit Kataria son of Sukhpal, resident of Village Hayatpur, Naveen Kakran (her neighbour), Kushal son of Govind Yadav, resident of Hayatpur, Aditya resident of Garhi Harsaru and 'D' (petitioner). The child victim further revealed that accused Sumit Kataria forced her to make a video of herself and send it to him. Thereafter, he started blackmailing her with the threat that he along with other accused persons would upload her video on internet. On that pretext they extorted money from her and forced her to transfer the money in different bank accounts from time-to-time through UPI transfers. She alleged that child victim revealed to her that accused Sumit Kataria had got transferred an amount of Rs.35 lakhs in the bank accounts of his friends; accused Amit had got transferred an amount of Rs.28 Lakhs in his own account and in the accounts of his friends; accused Sumit Tanwar had got transferred an amount of Rs.4,21,000/- in his account and in the accounts of his friends.



Present petitioner had got transferred an amount of Rs.6,75,000/- in her account and in the accounts of her friends and accused Naveen Kakran had got transferred an amount of approximately Rs.5 Lakhs in his account and in the accounts of his friends. She alleged that a total amount of Rs.80 Lakhs had been extorted so far. Furthermore, it has been alleged that the child victim revealed to her that above mentioned accused persons continuously extorted money and pressurized her by threatening her on phone using abusive language; stalking her on her way and forcing her to make physical relations and thus, a large amount of money had been extorted from her during the period between February, 2024 to December, 2024.

3. Learned counsel for the petitioner has contended that the petitioner is innocent and has been falsely implicated in the present case as she has no role to play in the alleged offence. He further contended that petitioner being minor female child never committed any act of sexual harassment upon child victim/respondent No.3, therefore, Sections 12 and 17 of the POCSO Act, 2012 are not attracted against the petitioner. He further contended that petitioner never put the victim in fear of death or of grievous hurt. He further contended that there is no whisper qua the petitioner regarding criminal intimidation or sexual harassment/outraging the modesty of victim/respondent No.3. Learned counsel further contended that victim being classmate and close friend of the petitioner had often used the mobile phone of the petitioner and she also used to run Instagram ID and Snapchat App in petitioner's mobile phone by using petitioner's mobile

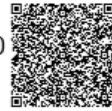


number, which fact came to the knowledge of the petitioner after several days and she had asked the victim upon which the victim had assured that after few days she herself would delete the Instagram ID and Snapchat App. He further contended that the petitioner has nothing to do with the alleged offence and nothing is to be recovered from the petitioner. He further contended that the petitioner is not involved in any other case and she is ready and willing to join the investigation.

4. *Per contra*, learned State counsel, assisted by learned counsel for respondents No.2 and 3, opposed the prayer for grant of anticipatory bail to the petitioner by contending that there are serious allegations against the petitioner regarding extortion of money from respondent No.3-child victim through online transactions by blackmailing and threatening to viral her obscene photos on internet. Learned State counsel contended that in the present case eight accused have been arrested and they have also been chargesheeted. She further contended that custodial interrogation of the petitioner is necessary, therefore, she does not deserve the concession of anticipatory bail.

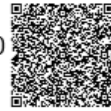
5. I have heard learned counsel for the parties and perused the record.

6. Perusal of the record transpires that respondent No.2 being an illiterate and elderly woman had received approximately Rs.2 crores as compensation on account of acquisition of her land. The said amount was deposited in her bank account, which was being operated by her minor



granddaughter-respondent No.3. The accused persons, including petitioner targeted respondent No.3 with an elaborate and coercive scheme involving blackmail by using her obscene images and videos. They exploited her vulnerability and lack of understanding by persistently threatening her, resulting in unauthorised and forced transfer of funds exceeding Rs.80 lakhs between February, 2024 to December, 2024 from the said account to various accounts operated or controlled by the petitioner and/or her friends. Role of the petitioner is clarified by the minor victim-respondent No.3 in her statement recorded before the Judicial Magistrate Ist Class, Gurugram, under Section 183 of the BNSS, which reads as under: -

“Stated that a boy named Amit first did friendship with me. Then he took my mobile number and sent to his friends. Then he and his friends Sumit Kataria, Kushal, Sumit Rajput started blackmailing me. Sumit Kataria took videos by pressurizing me and said bad words. He took edit and nude videos. Even after my refusal, Sumit Kataria showed the video in the area. He also took money from money by blackmailing me upon the videos. Amit, Sumit Kataria, Sumit Rajput, Kushal and Divya took Rs.80 Lakhs from me. On not giving money, Sumit Katariaf and Amit came at her house and started following her to her school. Kushal forcibly tried to make physical relations with me in his WagonR car. This fact is about one month back. Two weeks ago, Kushal phone called me to meet and forced me to make physical relations. On my refusal, he came to my tuition. He said bad words to Sir there. In this way, the facts were disclosed at my home. The girl named Divya is my classmate. On my bocking, Sumit Kataria sent my nude photos to Divya. Divya misused the same and



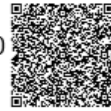
blackmailed me.”

7. From the above, it is crystal clear that petitioner actively blackmailed minor victim-respondent No.3 with circulation of minor victim's obscene photographs/videos and extorted substantial money approximately amounting to Rs.6,93,000/- (Rs.2,33,000/- in her own Fampay account, Rs.3,70,000/- in the Fampay account of Amit and Rs.90,000/- in the account of Gurfan. Further, there are WhasApp and Snapchat chats where the petitioner threatened and demanded money by blackmailing her with private contents.

8. As per law laid down by the Hon'ble Supreme Court in ***State of Madhya Pradesh v. Pradeep Sharma (2014) 2 Supreme Court Cases 171***, power exercisable under Section 438 Cr.P.C. (now Section 482 of the Bharatiya Nagrik Suraksha Sanhita, 2023) is somewhat extraordinary in character and it is to be exercised only in exceptional cases where it appears that the person may be falsely implicated or where there are reasonable grounds for holding that a person accused of an offence is not likely to otherwise misuse his/her liberty.

9. In para nos.15 & 16 of the status report dated 18/04/2025 filed by the State, it has categorically been stated that custodial interrogation of the petitioner is required for recovery of 'the money extorted by the petitioner from the minor victim'; 'mobile phone of the petitioner, which contain nude/morphed photographs of the minor victim and nude video sent by the petitioner to the victim to blackmail her, since said video(s) were found in the mobile phone of the victim; chats of the petitioner with victim,

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since in the said chats the petitioner had demanded the money from the victim by blackmailing her and saying that she has nude photos and videos of the minor victim and the said exchanged chats (Annexure R-3 of status report) have partially been recovered from the mobile phone of the victim; and besides custodial interrogation of the petitioner has also been stated to be required for gathering / obtaining information about the modus-operandi used in the commission of crime and for procuring other relevant information regarding present case.

10. From the above conduct, the petitioner *prima facie* cannot be considered innocent or falsely implicated in the present case, since there is sufficient and ample documentary evidence against the petitioner showing her involvement in the heinous crime of extortion of huge amount from a minor girl by blackmailing her for making her obscene and morphed private photos / videos viral and moreover, the petitioner has not only been named in the FIR but even in the statement of the minor victim recorded under Section 183 BNSS, it has specifically been disclosed that the petitioner has misused her obscene/nude photos and blackmailed her, therefore, keeping in view the seriousness of offence committed by the petitioner and coercion exercised by her alongwith other accused, this Court is of the considered opinion that in case the petitioner is granted concession of anticipatory bail, there will always remain possibility of tampering with the evidence and influencing the witnesses, which cannot be ruled out at this stage of investigation, therefore, the petitioner does not deserve concession of

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anticipatory bail.

11. Needless to observe here that while considering this pre-arrest bail of the petitioner, this Court is having ample and cautious notice of the fact that the petitioner is a juvenile/child-in-conflict with law and is a class-mate of the minor victim but the involvement of the petitioner in such a heinous crime, which not only resulted to extortion of lakhs of rupees from a 15-year-old school going minor girl/victim but even her sexual harassment by the co-accused for being blackmailed with her morphed /obscene photographs, so in this view of the matter, fact of petitioner being child-in-conflict/juvenile could not appeal this Court in actuality, since, in case such kind of wrong doers, as like the petitioner, are granted protection of any kind in this increasing menace and rising threat of cyber crimes, it will give wrong impact on the society at large, especially on the teenagers and youth, being most vulnerable lot in such online traps and frauds.

12. Dismissed.

12.05.2025
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No