

CRM-M-4221 of 2025

2025:PHHC:025767



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

CRM-M-4221 of 2025
Date of decision: 21.02.2025

Naveen Kakran

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Mr. Atul Yadav, Advocate,
for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

NAMIT KUMAR, J.

1. This petition has been filed by the petitioner 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 12, 17, 4/18 of the Protection of Children from Sexual Offences Act, 2012 and Sections 308(5), 351(3), 79 of the Bharatiya Nyaya Sanhita, 2023 at Police Station Sector 10, Gurugram.

2. The brief facts of the case of the prosecution are that on 21.12.2024, grand-mother of the victim moved a complaint before the police 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 (number & Branch withheld). Her land was acquired and she got an amount around Rs.2 Crores as compensation. She alleged that she

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being an illiterate and an old-aged lady could not operate on-line transaction from her Bank Account and same was being operated by her grand-daughter/victim, aged about 15 years 11 months who had been a student of 10th Class. She alleged that the child victim disclosed to her that in February, 2024 accused-Amit while putting pressure on her that he would edit her photograph into an obscene one and then viral 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 accused Amit had further distributed the mobile number of child victim to several persons namely, Sumit Tanwar son of Sanjay resident of Garhi Harsaru, Sumit Kataria son of Sukhpal, resident of Village Hayatpur, Naveen **Kakran (present petitioner)**, Kushal son of Govind Yadav, resident of Hayatpur, Aditya resident of Garhi Harsaru, Ditya daughter of Vinod, resident of Navada, Sector-86, Gurugram. The child victim further revealed that accused Sumit put pressure upon her to prepare her video and send it to him and started blackmailing her with the threat that they would upload her video on internet and they got extorted money from her and forced her to transfer the money in different bank accounts time-to-time through UPI Transfer. She alleged that child victim revealed to her that accused Sumit Kataria had got transferred the money totaling Rs.35 Lakhs in the accounts of his friends from their account; accused Amit had got transferred the amount of Rs.28 Lakhs in his own account and the accounts of his friends; accused Sumit Tanwar had got transferred an

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amount of Rs.4,21,000/- in his account and in the accounts of his friends; accused Ditya had got transferred an amount of Rs.6,75,000/- in her account and in the account of her friend and petitioner-Naveen Kakran had got transferred an amount around Rs.5 Lakhs in his account and in the accounts of his friends. She alleged that accused while blackmailing the child victim on account of uploading her obscene photograph and video on internet had extorted an amount of Rs.80 Lakhs from her while making transactions online with her bank account. She alleged that the child victim revealed to her that all the above named accused had continuously put pressure on her by threatening her on phone while using abusive language; by stalking her on her way and forcing her to make physical relations and while putting pressure on her they got extorted a large amount of money from her during the period February, 2024 to 01.12.2024.

3. Learned counsel for the petitioner has contended that the petitioner is innocent and has been falsely implicated in the present case. He further contended that the allegation against the petitioner is that he got transferred Rs.5 lakhs into his account from the victim through UPI transaction, however, the said allegation is baseless and false as no amount has been transferred in his account. He further contended that no offence under the POCSO Act is made out against the petitioner. He further contended that totally a false story has been concocted to implicate the petitioner in the present case. He further contended that petitioner is not involved in any other case. He

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contended that custodial interrogation of the petitioner is not required and he is ready to join the investigation.

4. *Per contra*, learned State counsel has opposed the prayer for grant of anticipatory bail to the petitioner on the ground that petitioner is accused of commission of offences of extortion of a considerable amount through online transactions by blackmailing a child victim of 15 years of age and sexually harassing the minor victim. She further contended that custodial interrogation of the petitioner is necessary to recover the extorted money, therefore, he does not deserve the concession of anticipatory bail.

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

6. 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 Nagarik 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.

7. Petitioner is accused of extortion of huge amount of Rs.5 lakh from minor victim by blackmailing and threatening her. The said allegation is based on documentary evidence. As per status report filed by the learned State counsel, petitioner made phone calls from his

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mobile No.8607742511 to the victim despite her resistance and had demanded money from her by threatening her that he will make her obscene photos and videos viral and also threatened to kill her. Petitioner along with co-accused also attempted to rape the minor victim. It is further alleged that the petitioner had obtained the ATM card of account No.50271017875 of the father of the victim and had withdrawn an amount of Rs.5,13,500/- through said card. The offence alleged in the instant case is heinous and would be an onslaught on the dignity of the womanhood. The allegations against the petitioner are serious in nature. Custodial interrogation of the petitioner may provide information leading to discovery of material facts. Curtailing of his freedom at this stage is necessary in order to enable the investigation to proceed without hindrance and to protect witnesses at this stage.

8. Reliance can be placed upon the Hon'ble Supreme Court dictum passed in *Prem Shankar Prasad v. The State of Bihar and another, 2021(4) RCR (Crl.) 598* and *Anil Kumar Singh v. High Court of Judicature at Patna through its Registrar General and another, (2020)19 Supreme Court Cases 364*, whereby the Hon'ble Apex Court had denied the concession of anticipatory bail in view of the gravity of offences and the conduct of the petitioner.

9. No other point has been argued.

10. In view of the facts and circumstances of the case, I am of the considered view that petitioner cannot *prima facie* be said to have been falsely enroped in the crime and his custodial interrogation is

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necessary to recover the amount of Rs.5,13,500/-, to nab the accomplices of the petitioner in connivance with whom he had committed the offence and to know the *modus operandi* of the gang and the fact that petitioner may abscond and misuse his liberty, therefore, he does not deserve concession of anticipatory bail.

11. In view of the above, the petition is dismissed.

12. However, nothing stated hereinabove shall be construed as a final expression of opinion on the merits of the case.

21.02.2025
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No