

HRFB010099192025

BA 4566-2025

Mukesh Kumar *Versus* State of Haryana

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**IN THE COURT OF
Addl. District and Sessions Judge
At Faridabad,
(Presided Over by Jyoti Lamba)**

HRFB010099192025



BA/4566/2025

Presented on : 19-08-2025

Registered on : 19-08-2025

Decided on : 27-08-2025

Duration : 0 years, 0 months, 8 days

Mukesh Kumar aged 39 years, son of Shri Hukum Chand, resident of House No. B-714, IInd Floor, Back Green Field Colony, Amar Nagar, Faridabad.

...Applicant-accused.

Versus

State of Haryana.

...Respondent.

FIR No. 193 dated 26.09.2024

U/Ss.: 384, 388, 120-B, 34, of the IPC

P. S. : Sector-17 Faridabad.

APPLICATION FOR BAIL U/S 439 of the Cr.P.C.

Presence: Sh.Hemraj Kapasiya, Ld. Counsel for the applicant-accused, namely Mukesh Kumar.
Ms. Komal Singh, Ld. Public Prosecutor for the State of Haryana assisted by Sh. Shekhar Anand Gupta, Ld. Counsel representing the complainant.

ORDER:

This order shall dispose of, the application for bail under Section 439 of the Cr.P.C. of the accused, namely Mukesh Kumar, in a case, bearing FIR No.193 dated 26.09.2024 under Sections 384, 388, 120-B, 34 of

the Indian Penal Code (here-in-after, referred to as, 'the IPC') registered, at the Police Station – Sector-17, District Faridabad.

2. Notice of the application was issued, to the Investigating Agency, through the Ld. Public Prosecutor. Reply submitted.

3. The Ld. Counsel, representing the applicant-accused named above, submitted that the applicant was in judicial custody w.e.f. 02.07.2025. No money, as alleged in the FIR has been given by the complainant Dheeraj Gupta, to the applicant/accused regarding the other FIR registered against Dheeraj Gupta. No witness of police has been named in the FIR, in whose presence the applicant/accused had demanded Rs.50 lac, as alleged (i.e. of extortion). While requesting the Court to call for challan from the concerned Court of Ld. Magistrate, it was pleaded that if, considered, there were contradictions in the statements of the witnesses, namely Neeraj, Raj Kumar, Monti Chandila etc. of the said case, which create suspicion as to such an offence, as alleged, ever took place. That no monetary transaction ever took place between the complainant and the accused in the present case, regarding the other FIR registered against the complainant, as alleged. The girl/prosecutrix, who is a co-accused in the present case, is not known to the applicant/accused. Nothing has been recovered from the applicant/accused. That the applicant/accused has been falsely implicated in the present case. He was merely running a Spa Centre. Hence, it was pleaded that applicant be granted bail.

4. On the other hand, the submissions made above were opposed, by the Ld. Public Prosecutor assisted by the Ld.Counsel for the complainant, and the concerned I.O., who pleaded that the challan in the present case has yet not been committed, to the Ld. Court of Sessions, till date. That a false case of Rape has been registered against the complainant Dheeraj Gupta, which was pending in this Court. SIT was constituted by the complainant and it was found that the prosecutrix in the other case of commission of offence punishable under Section 376 of the IPC, was working in the Spa Center of the applicant/accused only. On the alleged date of commission of the offence of Rape by complainant Dheeraj Gupta, herein (accused in other case), there were calls made seven times between the prosecutrix and the applicant/accused. That multiple FIRs of Rape and Extortion have been registered against the prosecutrix, who was absconding. That the complainant, in this case, was falsely implicated in that case of Rape merely, on the basis of his tower location, whereas, he had gone to watch a movie in a Mall, at Faridabad, where the Spa Center of the applicant/accused, was also situated, where he used to keep girls like prosecutrix, to allure innocent and rich men and, thereafter to falsely implicate them in a Rape Case and thereafter, extorted huge money, to turn hostile in that case. That the complainant in the present case, who was the accused in the other case, has been falsely implicated in the other case of Rape pending in this Court only. That it is an Organized Racket working, in collusion and connivance with the local police, for money. That such type of crimes of Honey-Trap, had to

be curbed. That the applicant was the master mind of such Honey-trap Cases. That application seeking anticipatory bail of the applicant/accused has been dismissed by this Court and further, by the Hon'ble Punjab & Haryana High Court, at Chandigarh, vide order dated 25.10.2024, considering the gravity of the offence. Hence, it was pleaded that the application in hand, be dismissed.

5. File, perused. Submissions of the Ld. Counsel, representing the applicant and the Ld. Public Prosecutor, representing the State, considered.

6. A complaint bearing no.38 dated 29.01.2024 alongwith its Enquiry Report in SIT Report bearing no.4329 dated 09.09.2024 and 3236 dated 17.09.2024 of the DSP, Ballabgarh, as written to the Home Minister, Haryana, was received by the SHO concerned, wherein, complainant Dheeraj Gupta stated that he has been roped in a Rape Case by a Honey-Trap Gang, in the year 2023 in which, a demand of Rs.50 lakh was raised by a person, namely Naresh Narvat, at the concerned Police Station and he (i.e. the complainant) had to give Rs.33 lakh, to him, to settle that case by the prosecutrix turning hostile. Whereas, the complainant had never seen the lady also. That his arrest in that case was also delayed by seven months.

7. As per the reply of the Agency, the complainant was arrested in a case FIR no.83 dated 12.07.2023 under Sections 376, 377 and 506 of the IPC Police Station Sector 16-A Faridabad for committing the offence in his an Endeavor Car in the parking of a Mall. That on the basis of complaint of the accused Dheeraj Gupta, SIT was constituted to look into the matter of

Honey-Trap Gang by the police and it was found that the prosecutrix and Mukesh (i.e. the applicant), were very well known to each other. They were master callers and on the date of alleged commission of the offence committed by Dheeraj Gupta (herein, the complainant), they both (i.e. the prosecutrix and Mukesh Narvat) had talked seven times, to each other. The location of Dheeraj Gupta was also about 100 meters away, while that of the prosecutrix was changing from time to time, on the same day. Both Dheeraj Gupta and Mukesh Narvat were well known to each other for the last 7-8 years and that was how Mukesh Narvat was aware about the financial status of Dheeraj Gupta for being selected, as a target in a Honey-Trap Case, to be instituted in the complaint lodged by the prosecutrix. That during the SIT Enquiry, the prosecutrix had identified the car used in commission of the offence of Dheeraj Gupta, in a Rape Case pending against him, (during investigation) but during the trial on 31.07.2024 pending in this Court, vide her Affidavit, she refused to identify the accused Dheeraj and stated that he was innocent. That another case bearing FIR no.225 dated 09.03.2024 under Section 389, 427 of the IPC, Police Station: Chhiprapath, Jaipur and during investigation, it was found that Mukesh as well as the prosecutrix had criminal antecedents and record. Further, they had falsely implicated accused Dheeraj Gupta in the Rape Case and thereafter, extracted from him a huge amount of Rs.33 lakh, under pressure.

8. As per the reply of the Agency, another case of similar nature was registered against the applicant/accused. Arrest of

co-accused/prosecutrix Pxx was also pending still. That no money however was got recovered by the applicant/accused, at the time of investigation. That the applicant was habitual of committing such like offences. Challan has been presented to the Court of Ld. Magistrate.

9. While deciding an application for bail, what all was required to be taken care of, was spelt out by the *Hon'ble Supreme Court* in **Anil Kumar Yadav vs. State of NCT, Delhi and another, 2018 12 SCC 129**, wherein it has been held, as follows:-

“17. While granting bail, the relevant considerations are : (i) nature of seriousness of the offence; (ii) character of the evidence and circumstances which are peculiar to the accused; and (iii) likelihood of the accused fleeing from justice; (iv) the impact that his release may make on the prosecution witnesses, its impact on the society; and (v) likelihood of his tampering.

No doubt, this list is not exhaustive. There are no hard-and-fast rules regarding grant or refusal of bail, each case has to be considered on its own merits. The matter always calls for judicious exercise of discretion by the Court.”

10. It is also well settled that, among other circumstances, the facts to be borne in mind while, considering an application for bail were :-

(i) whether there is any prima-facie or reasonable ground to believe that the accused had committed the offence; (ii) nature and gravity of the accusation; (iii) severity of the punishment in the event of conviction; (iv) danger of the accused absconding or fleeing if released on bail; (v) character, behaviour, means, position and standing of the accused; (vi) likelihood of the offence being repeated; (vii) reasonable apprehension of witnesses being influenced; and (viii) danger of course, of justice being thwarted by grant of bail.

If the Court does not advert to these relevant consideration and mechanically grants bail, the said order would suffer from the vice of non-application of mind, rendering it to be illegal.

11. As per the contents of the FIR, the applicant appears to be central to the illegal activities, in fact, the master mind of the Honey-Trap Gang (s), indulged in falsely implicating rich men, in rape cases. There is no dispute raised to the fact submitted by the Ld. Counsel, representing the complainant that the applicant/accused was running a Spa Center, at a Mall in Faridabad, where the prosecutrix in the rape case, used to work further, that they both (i.e. the applicant/accused and the prosecutrix), had talked to each other, seven times, on the alleged date of commission of rape in the other case. In other words, there was sufficient proof collected by the SIT in the present case, to inculcate the applicant/accused for alleged commission of extortion of the complainant and his false implication in a rape case (stated to be pending in this Court).

12. Hence, there was a serious apprehension that in case, enlarged on bail, the applicant could influence the witnesses of the case, commit such or similar offence again, in future and abscond. Moreover, the challan under Section 173 of the Cr.P.C. has yet not been committed to the Court of Ld. Sessions, admittedly as per the version of the Ld. Counsel, representing the applicant/accused.

13. Thus, release of the applicant, on bail was likely, to interfere in the fair decision of the case. The applicant also, appears to be of a criminal bent of mind and habitual of committing such like offences, as per the

Agency. Another case of similar nature was pending against him, as well. As such, it would not be expedient in the fair administration of justice that the applicant be enlarged on bail, as prayed for. There was an apprehension that his release was likely, to disturb law, order and peace in the Society. Equities of the case require that the applicant remain in jail, for some more time. Faith of the people is sure to erode in administration of justice in case, enlarged on bail.

14. Undoubtedly, the 'rights of the accused' are important but equally important is the societal interest for bringing the offender to book and for the system to send the right message to all in the Society. Such like crimes are on rise in the District. Thus, undue-sympathy with the offender would do harm, to the justice system by undermining the public confidence in the efficacy of law.

15. In view, of the above, the application in hand, stand dismissed.

Disposed of.

Nothing stated, here-in-above, shall be construed to be an expression of this Court, on the merits of the case.

File be consigned to the Record-Room, after due compliance.

Announced in open Court.

Dated: 27.08.2025

Meenakshi Kalra

Jyoti Lamba

Addl. Sessions Judge,

Faridabad. UID No.HR0235.