

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-36635-2023

Date of Decision:-20.10.2023

Bahadur Singh.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Vishavjeet Singh, Advocate for the Petitioner.

Ms. Ramta K Chaudhary, Deputy Advocate General, Haryana.

JASJIT SINGH BEDI, J.(ORAL)

The prayer in this petition under Section 438 Cr.PC is for the grant of anticipatory bail in case FIR No.125 dated 17.09.2022 under Sections 384, 511, 506 IPC registered at Police Station Sadar Ahmedgarh, District Malerkotla.

2. The present FIR came to be registered at the instance of Ruponder Singh @ Pindu who stated that he was the sarpanch of village Kanganwal and a farmer. On the night intervening 29/30.08.2022 there was a theft at his house upon which the police station Sadar, Ahmedgarh had registered an FIR No.115 dated 30.08.2022 under Section 457, 380 IPC. On 01.09.2022 while he was going towards his village in his car, then near the railway crossing he received a message from a mobile phone no.95920-31760 on his mobile no.98155-45473. The caller stated that earlier he had committed theft and now he would shoot him (complainant). A number of such like threatening messages were sent to him (complainant). Later at

6.08 am he received a Whatsapp call from some number and the person on the other side threatened him with dire consequences and asked him to stay home. A similar threat was meted out on 02.09.2022. Thereafter, a ransom amount of Rs.5 lacs was demanded in the absence of which he and his family would be killed. Then on 3.9.2022 whatsapp messages were received on his phone and the person on the other side told that he would be done to death by 15.09.2022. Thereafter he had approached the investigating agency regarding the threats being given to him.

During investigation the statements of witnesses under Section 161 Cr.PC were recorded and call details of the mobile number of the complainant were obtained. From the call details it was found that Lovepreet Singh son of Malkit Singh resident of village Kanganwal who had gone to Dubai used to call and chat on his Whatsapp no.95920-31760, 971586458985 and 87252-72372 to mobile no.98762-81322 and No.98375-89984. He had also called his father in law Buta Singh on his mobile number 85569-19918 from 971586458985 from Dubai. On 28.09.2022 the owner of Mobile No.9876-81322 and 84375-89984 namely Kajal daughter of Santokh Singh was joined in investigation who stated that she knew the user of mobile no.95920-31760 because 05 months earlier she had been making video calls and chats with Lovepreet Singh on this number.

On the basis of the said investigation, Lovepreet Singh was nominated as an accused and the offence under Section 120-B IPC was added.

On 04.07.2023 Lovepreet Singh was arrested in this case and one mobile phone make Oppo having Sim No.75298-77096 was recovered from him. During interrogation accused Lovepreet Singh disclosed that he had connived with Bahadur Singh @ Sony @ Maddi (petitioner) son of

Pritam Singh resident of village Kanganwal as Bahadur Singh was having some ill will with the complainant and by exchanging a one time password on mobile no.95920-31760 ransom was demanded from the complainant. On the basis of his interrogation the petitioner Bahadur Singh was nominated as an accused in the present case.

3. The Counsel for the petitioner contends that the petitioner has been falsely implicated in the present case due to political rivalry as the petitioner was filing RTI applications regarding the work done by the complainant who was a sarpanch of village Kanganwal. The petitioner was a social worker and a respectable person of the area. The petitioner has been named only on the basis of the disclosure statement of Lovepreet Singh co-accused. He had never called on the mobile phone of the complainant to threaten him and as the complainant knew the petitioner and there was no chance that the petitioner would threaten him.

4. The Counsel for the State on the other hand while referring to the status report filed by way of affidavit dated 01.09.2023 of Mr. Davinder Singh, DSP, Sub Division Ahmedgarh, District Malerkotla reply contends that the petitioner has stonewalled the investigation. He has not got recovered the mobile instrument on which Sim No.9592031760 was being used. As the petitioner was not co-operating with the investigation and the same was to be taken to its logical conclusion, he was not entitled to the concession of Anticipatory bail.

5. The Counsel for the Complainant has opposed the bail application and reiterates the submissions made on behalf of the State.

6. I have heard learned Counsel for the parties.

7. When this matter had come up for hearing on 03.10.2023 the following order was passed:-

“ The petitioner seeks grant of anticipatory bail in case bearing FIR No.125 dated 17.09.2022 registered under Sections 384, 511, 506 IPC, 1860 at Police Station Sadar Ahmedgarh, District Malerkotla.

The learned counsel for the petitioner states that he shall get recovered the mobile instrument on which SIM No.9592031760 was being used.

Notice of motion for 20.10.2023.

Ms. Ramta K Chaudhary, DAG, Punjab accepts notice on behalf of the respondent-State and Mr. Tanvir S. Grewal, Advocate accepts notice on behalf of the complainant.

In the meantime, the petitioner is directed to appear before the SHO/Investigating Officer to join investigation and in the event of his arrest, he shall be released on bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438(2) Cr.P.C:-

- i) that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required;
- ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- iii) that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any. Meanwhile, the State counsel is directed to file an affidavit as to the exact role of the petitioner along with the details of pending FIRs, if any, on or before the next date of hearing.”

8. In terms of the aforementioned order the petitioner did join investigation but for reasons best known to him has refused to get recovered

the mobile instrument in which Sim No.9592031760 was used. Quite

apparently, he has refused to cooperate with the investigating agency. Therefore, the custodial interrogation of the petitioner is certainly necessary to recover the mobile phone and to take the investigation to its logical conclusion.

9. In view of the above, I find no merit in the present petition and the same stands dismissed.

10. However, the observations made hereinabove are only for the purposes of deciding this anticipatory bail petition and the Trial Court is free to adjudicate upon the matter on the basis of the evidence lead before it uninfluenced by any such observations made.

(JASJIT SINGH BEDI)
JUDGE

October 20, 2023
Vinay

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No