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

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Date of decision: 3rd October, 2024

Balwinder Singh @ Bindri

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. T.P.S. Makkar, Advocate for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 439 of Cr.P.C. by the petitioner seeking grant of regular bail in case bearing FIR No. 158 dated 31.08.2022 registered under Sections 385, 386, 506 of IPC, 1860 and offence under Section 120-B of IPC added later on at Police Station City Rupnagar, District Rupnagar.

2. As per the prosecution case, the complainant S. Gurdev Singh got recorded his statement before the police on 31.08.2022, to the effect that he was running a shop of electrical goods under the name of Ram Rahi Electricals at Rupnagar. On 28.08.2022, after closing the shop, he had gone back to his house, when he received a call from mobile phone No. 62836-

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81723 on his mobile phone. The caller introduced himself to be a member of Lawrence Bishnoi gang and demanded a sum of Rs. 3,00,000/- from him by threatening that either that amount should be paid till noon of 29.08.2022 or some of his family members or he himself would be killed. The said caller then called the complainant again for 5-6 times and repeated the same demand. On 31.08.2022, he again called him and told him to reach at the Bypass area along with demanded money or otherwise he would lose his family members or would himself be killed. The complainant prayed for taking action in the matter by informing that similar threats had been received by some more persons in the vicinity.

3. After registration of FIR, investigation proceedings were initiated. The details of the mobile phone number as disclosed by the complainant were traced out and it was found to be registered in the name of one Salma, resident of Rupnagar. It is also revealed that the said mobile phone had been snatched by two unknown youths on 25.08.2022 and an FIR bearing No. 157 dated 30.08.2022 had been registered in that regard at Police Station City Rupnagar. During investigation of FIR No. 157, the present petitioner and co-accused Ramandeep were arrested on 31.08.2022, while they were riding on a stolen motorcycle by fixing a fake number plate on the same. On conducting search of the petitioner, a mobile phone having SIM card bearing the same number as mentioned above, was recovered from his custody. The petitioner was nominated as an accused in this case as well and was joined into investigation and then arrested. He was interrogated and



suffered disclosure statement admitting that in conspiracy with the co-accused Ramandeep Singh, he had been making extortion calls to affluent persons of the vicinity and had made call to the complainant of this case as well. The call detail records of the mobile phone numbers of the complainant, other victims and the phone recovered from the petitioner were also collected. The pen drives containing conversation between the complainant, another victim named Rajpal and the petitioner, who had been making extortion calls to them had been taken into custody by the police. Specimen voice samples of the petitioner and co-accused were taken and were sent to FSL. As per the FSL report, the unknown questioned voice samples were found to be similar with the specimen voice sample of the petitioner. Presently, the petitioner is facing trial for commission of aforementioned offences.

3. It is argued by learned counsel for the petitioner that he is in custody since 31.08.2022. He has been falsely implicated in this case. He was neither named in the FIR nor the identity of the caller had been disclosed by the complainant. The complainant has not even identified him. The trial is likely to take time. There is a delay of three days in reporting the matter to the police. The complainant stands examined and therefore, there are no chances of petitioner's intimidating him. The co-accused Ramandeep Singh @ Raman has since been extended benefit of bail. The case of the petitioner is at parity and as such, he too deserves to be extended the same benefit. There are no chances of his absconding or intimidating witnesses or

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may commit similar offence. Therefore, it is urged that he deserves to be extended benefit of bail.

4. Status report has been filed by respondent-State. Learned State counsel has argued in terms thereof that there are serious allegations against the petitioner. His complicity in the subject crime has been *prima facie* established from the evidence collected during the course of investigation. Even as per the FSL report, the voice of the person who made call on the cell phone of the complainant for extorting money has matched with the specimen voice sample of the petitioner. The complainant had obviously not seen the petitioner and therefore, there can be no question of his identifying him. Moreso, in his sworn deposition, he has identified the petitioner as the person who was shown to him by the police after his arrest. The complainant has been examined in-chief only while his cross examination has been deferred. There are chances of petitioner's intimidating the complainant and other material witnesses, if extended benefit of bail. The case of the petitioner cannot be stated to be at parity with the case of the co-accused. Therefore, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. The petitioner in conspiracy with the co-accused is alleged to have made extortion call to the complainant and some other persons and is alleged to have tried to extort money by criminally intimidating them. The



complainant has been partly examined. The antecedents of the petitioner are not clean, as he is involved in two more cases of similar nature. The apprehension that the petitioner may commit similar offences, if extended benefit of bail, cannot be stated to be unfounded. Copy of statement recorded at the time of examination in-chief of the petitioner has been placed on record by learned counsel for the petitioner himself, which shows that the petitioner while introducing him as member of Lawrence Bishnoi gang, who is a gangster, demanded a sum of Rs. 3,00,000/- from the complainant while extending threats to kill him and his family members. The allegations against the petitioner are serious in nature. The specimen voice sample of the petitioner has matched with the voice sample of the caller who made extortion call to the complainant. The co-accused had not made any such call to the complainant. As such, the case of the petitioner cannot be stated to be at parity with the case of the co-accused. Taking into consideration the serious nature of the allegations as levelled against the petitioner, who tried to extort money from the complainant by extending threat to him by representing him as a member of dreaded gangster Lawrence Bishnoi, the quantum of sentence which the conviction may entail and the above discussed facts and circumstances of the case, but without meaning to make any comment on the merits thereof, I am of the considered opinion that the petition does not deserve to be allowed at this stage. Hence, the same is dismissed.

7. Since the main petition has been dismissed, pending



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application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

3rd October, 2024
Parveen Sharma

1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No