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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M No.35805 of 2024
Date of decision: 29.07.2024

Manpreet Singh ... Petitioner

Vs.

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Karan Choudhary, Advocate,
for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner seeking anticipatory bail in case arising out of FIR No.63 dated 12.04.2024 registered under Sections 384 and 387 of IPC read with Section 66 of Information Technology Act, 2000 at Police Station City, Gurdaspur, District Gurdaspur.
2. Brief facts of the case relevant for the purpose of disposal of the present petition are that the aforementioned FIR was registered on the basis of statement recorded by the complainant Dr. Bhasker Sharma alleging therein that he was posted as Paediatrician in Civil Hospital,

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Gurdaspur. In the morning of 12.04.2024 at about 8 AM, he received a Whatsapp message from phone number +37443130520 whereby demand of an amount of Rs.4 lacs was made and threat was extended that if the abovesaid amount was not paid, then his family would be in a big problem. Threat was even extended to not to report the matter to the police. The complainant alleged that after sometime, he received a Whatsapp call from the same phone number but did not attend the same and had blocked it. He prayed for taking action against the unknown caller/messenger. After registration of FIR, investigation proceedings were initiated. During investigation, it was revealed that the threat was received by the complainant from a Whatsapp number for which the data of mobile phone No.9592844879 which was in the name of the petitioner, was used. The petitioner was nominated as an accused. The investigation is underway. Apprehending his arrest, the petitioner had moved an application for grant of pre arrest bail which was dismissed by the Court of learned Additional Sessions Judge, Gurdaspur vide order dated 04.06.2024.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. Infact, his wife who was pregnant used to visit the wife of the complainant who is a Gynecologist for her treatment. The petitioner along with his wife used to visit the hospital for regular check ups of his wife and then of their child who was born on 02.04.2024 and calls in respect of their treatment only were exchanged

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between them. He had never made any call for extorting money from the complainant. He had come to India only in the month of December 2023. He has clean antecedents. His custodial interrogation is not required. He is ready to join the investigation. No useful purpose would be served by detaining him in custody. Therefore, it is urged that he deserves to be given concession of pre arrest bail.

4. Learned State counsel who has advance notice of the petition has argued that the material collected during the course of investigation has clearly revealed that the petitioner by concealing his identity and by misusing the technology, made extortion calls for getting ransom money from the complainant. There are serious allegations against him. Deeper probe is required to be done in the matter, for which custodial interrogation of the petitioner is must. Even otherwise, no extraordinary circumstance for grant of pre arrest bail has been made out. Therefore, it is argued 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.

6. The petitioner is alleged to have sent a threatening message on 12.04.2024 on the Whatsapp of the complainant by a phone number +37443130520 thereby extending threat to the complainant and for extorting a sum of Rs.4 lacs. The investigating agency has collected material showing that the data of mobile number which was used by the

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petitioner had been used for sending the said threatening message to the complainant and for making call for this purpose. Even the location of the said phone is also found to be of the same area wherein the petitioner has been residing. The allegations against the petitioner are obviously quite serious in nature as he has tried to extort money from the doctor whose wife had been treating his wife and even infant. For conducting thorough investigation in the matter, the custodial interrogation of the petitioner is must. It is well settled proposition of law that arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes. The powers of anticipatory bail are extra ordinary and the same are to be exercised sparingly in exceptional circumstances. The judicial discussion conferred upon the Court has to be properly exercised after application of mind as to the nature and gravity of the accusation, possibility of applicant fleeing from justice and other factors to decide whether it is a fit case for grant of anticipatory bail as such grant to some extent interferes in the sphere of investigation of an offence. The Court must be circumspect while exercising such power for grant of anticipatory bail and it should not be granted as a matter of rule and has to be granted only when the Court is convinced that exceptional circumstances exist to resort to that extra ordinary remedy. In the present case, no such exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing. As such, I am of the considered opinion that the petition does not deserve to be

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allowed. Accordingly, the same is dismissed.

7. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

29.07.2024
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(MANISHA BATRA)
JUDGE

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