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

CRM-M-42363-2024

Date of Decision: 30.08.2024

Gurpal Singh @ Pala

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Sarabjit Singh, Advocate, for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

Rajesh Bhardwaj, J.

1. The petitioner has approached this Court praying for grant of anticipatory bail in a case FIR No.59, dated 12.06.2024, registered under Sections 387/506 IPC (offence under Sections 21-C/61/85 NDPS Act, 1985 and 25/54/59 of Arms Act, 1959 added lateron vide GD No.25 dated 21.06.2024), at Police Station Bhikhiwind, District Tarn Taran.

2. Adumbrated facts of the case are that the FIR was lodged on the basis of the statement made by the complainant, namely, Jaskaran Singh Sandhu. It was alleged that he is a Doctor by profession and running a hospital named Simran Hospital at Khemkaran road. He alleged that he was continuously receiving threats from on 09.06.2024 to 11.06.2024 on his father's mobile phone and his mobile phone, wherein, caller was demanding ransom of Rs.50 lacs. He was being threatened that in case of non-payment of ransom amount, a serious harm would be caused to them. Thus request was made to take legal action against the accused. On the registration of the FIR, the investigation commenced and name of the petitioner-accused was surfaced during the investigation. Apprehending arrest, the petitioner approached the Court of learned Additional Sessions Judge, Tarn Taran for



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grant of anticipatory bail, however, after hearing both the sides, the Court declined the same vide order dated 15.07.2024. Aggrieved by the same, the petitioner is before this Court praying for grant of anticipatory bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely and frivolously implicated in the present case. He has submitted that neither the petitioner is named in the FIR nor there is any recovery to be effected from him. He submits that name of the petitioner has surfaced in the present case on the basis of the disclosure statement of co-accused. It is submitted that the petitioner is a young person and has passed 10+2 examination who is not involved in any other case. He thus submits that the petitioner be granted anticipatory bail.

4. Per contra, learned State counsel has vehemently opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner remained employee in the hospital of the complainant, who was well versed about the day to day life of the complainant. It is submitted that during the investigation conducted so far, it has been found that it is the petitioner who disclosed about the potential of the complainant to the co-accused so as to make ransom call to him. He submits that co-accused was arrested in the case of NDPS Act, who had disclosed about the complicity of the petitioner. It is submitted that for unraveling the mystery, the custody of the petitioner is essential, thus, the present petition being devoid of any merit, deserves to be dismissed.

5. Heard.

6. After hearing learned counsel for the petitioner and perusing the record, it is deciphered that the FIR has been lodged by the complainant regarding calls received personally himself and that by his father, wherein,



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the caller had demanded ransom of Rs.50 lacs. During the investigation, co-accused has made a disclosure statement about the complicity of the petitioner. The petitioner as submitted before this Court, remained employee in the hospital of the complainant-Doctor. The investigation is at threshold. Thus, keeping in view the overall facts and circumstances, granting anticipatory bail to the petitioner would scuttle the ongoing investigation, which is at threshold.

7. Hon'ble Supreme Court in State represented by CBI Vs. Anil Sharma, (1997) 7 SCC 187 has held as under:-

“6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favorable order under [Section 438](#) if the code. In a case like this effective interrogation of suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Succession such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail during the time he interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The court has to presume that responsible Police Officers would conduct themselves in task of disinterring offences would not conduct themselves as offenders.”

8. Hon'ble Apex Court in plethora of judicial precedents including Gurbaksh Singh Sibbia Vs. State of Punjab, AIR 1980 SC 1632, has time and again reiterated that while considering the anticipatory bail the Court is to take into consideration the factors like gravity of offence, chances of



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accused tampering with the evidence and probabilities of his fleeing from justice etc. The Court should be circumspect about the impact of its decision on the society as well. The anticipatory bail is an extraordinary discretion which should be exercised in the extraordinary circumstances.

9. Weighing the facts of the case on the anvil of the law settled, it is apparent that complicity of the petitioner has been *prima facie* established. The investigation is at its threshold. Thus, granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.

10. In view of the facts and circumstances of the present case, this Court is of the opinion that the petitioner does not qualify for exercising the extraordinary power by this Court in his favour. Resultantly, the petition being devoid of any merit is hereby dismissed.

11. Nothing said herein shall be construed as an expression of opinion on the merits of the case.

30.08.2024

sharmila

Whether Speaking/Reasoned
Whether Reportable

(RAJESH BHARDWAJ)
JUDGE

: Yes/No
: Yes/No