

2024:PHHC:026029

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

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CRM-M-58990-2023

Date of Decision : February 26, 2024

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.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Sukhmeet Singh, Advocate for the petitioner.
Mr. Pardeep Bajaj, DAG, Punjab.

KULDEEP TIWARI, J. (Oral)

1. On the last date of hearing, i.e. 30.11.2023, the following order was passed:-

“Through the instant petition, as instituted under Section 438 of the Cr.P.C, the petitioners have sought the concession of anticipatory bail, in case FIR No.66 dated 10.04.2023, under Sections 387 and 506 of IPC, registered at Police Station City South, District Moga.

The prosecution agency was set into motion on a complaint made by one Krishan Lal @ Babbu son of Madan Lal, that he and his brother Sunny are running their business under the name & style of Sham Lal Dhaba, at Kotkapura Road near Dhawan Palace, Moga. He and his brother Sunny had received WhatsApp call from number +14383203025 and +1587-325-0351 on their phone numbers 90412-10104 and 88375-81416 and caller threatened him to pay him Rs.10,00,000/- cash otherwise ready to face dire consequences. On 09.04.2023, he and his brother have again received the same threats.

During investigation, on 28.06.2023, complainant informed the Investigating Officer, that earlier he was tracing out the culprit on his on level, however, now he has come to know that the said threats are being given to him at

the instance of one Deepak Sharma son of Dharampal Sharma resident of Preet Nagar, Moga, who is confined in Patiala Jail, and the said Deepak Sharma is the mastermind behind the entire occurrence. However, during the investigation on 26.10.2023, the father of the complainant again got recorded his supplementary statement and raised suspicion over the present petitioner and other co-accused, to allege that these are the persons, who have advanced the ransom calls to his sons.

This Court at the time of issuing notice of motion in CRM-M-58990-2023, passed the following order:-

- “1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner has sought the concession of anticipatory bail, in case FIR No.66 dated 10.04.2023, under Sections 387 and 506 of the IPC, registered at P.S. City South, District Moga.*
- 2. The allegation, as levelled in the FIR, against the petitioner is that he had made a ransom call(s) to the complainant.*
- 3. The learned counsel for the petitioner submits that the petitioner has not been nominated as an accused in the FIR, rather he has been falsely implicated therein, based upon a supplementary statement, as suffered by the father of the complainant. He further submits that the ransom call, if any, was not made from the mobile number of the petitioner.*
- 4. Notice of motion.*
- 5. Mr. Karunesh Kaushal, A.A.G, Punjab, waives service of notice on behalf of the respondent-State and he is directed to a reply, detailing therein, the incriminatory material, as collected by the investigating officer concerned, which connects the petitioner with the alleged crime.*
- 6. List on 30.11.2023 for awaiting reply of the learned State counsel.”*

In compliance of the abovesaid order, a short reply by way of affidavit of Bhupinder Singh Bhullar, PPS, Deputy Superintendent of Police (Narcotic), Moga, Additional Charge of Deputy Superintendent of Police (City), Moga, District Moga has been filed on behalf of respondent-State in Court today. The same is taken on record.

The perusal of the affidavit does not reveal any other incriminating evidence against the petitioners, except the

supplementary statement recorded by the father of the complainant on 26.10.2023. The perusal of the affidavit further reveals that both the petitioners are involved only in one case i.e. of Arms Act.

Notice of motion for 26.02.2024 in CRM-M-59690-2023.

On the asking of the Court, Mr. Karunesh Kaushal, AAG, Punjab. accepts notice on behalf of the State.

Considering the above facts, the petitioners are directed to join the investigation and to appear before the investigating agency as and when called upon to do so. In the event of their arrest, they shall be admitted to interim bail on their furnishing bail bond to the satisfaction of the Arresting/Investigating Officer. The petitioners shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C.”

2. Today, the learned State counsel on instructions imparted to him by ASI Jaswant Singh, submits that the petitioner has already joined the investigation, and he is fully co-operating with the investigation process, and he is not required for any further custodial investigation.

3. In view of the specific stand taken by the learned State counsel, the present petition is **allowed** and order dated 30.11.2023 is, hereby, made absolute.

(KULDEEP TIWARI)
JUDGE

February 26, 2024
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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No