

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-63635-2023

Jagmeet Singh @ Jagga Pehlwan @ Fauji

.....Petitioner

Vs.

State of Haryana

.....Respondent

Reserved On.: 01.02.2024

Pronounced On: 06.02.2024

CORAM: - HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. A.S. Dhaliwal, Advocate
for the petitioner.

Mr. Randhir Singh, Addl. AG, Haryana.

DEEPAK GUPTA, J.

The petitioner prays for his release on regular bail by way of this petition filed under Section 439 Cr.P.C in a case arising out of FIR No.307 dated 02.09.2023 under Sections 387, 506 & 120-B of the IPC registered at Police Station Kalanwali, District Sirsa.

2. Status report by way of an affidavit of Shri Gurdial Singh, HPS, Deputy Superintendent of Police, Kalanwali, District Sirsa along with custody certificate has been filed on behalf of respondent- State.

3.1 FIR has been lodged on the complaint of Bhushan Kumar son of Manak Chand, resident of Ward No.13, Model Town, Mandi Kalanwali, District Sirsa, as per which on 1.9.2023 he received repeated WhatsApp call from the number +33758795995 and the caller told that he was Jeetu from Lawrence Bishnoi gang and demanded extortion money of ₹50,00,000/- within

two days. When the call was repeated again, he did not receive the same. However, on 02.09.2023, call was received from the same number at the mobile number of his brother Gulab Rai telling him that his brother i.e. complainant was told to arrange the money of ₹50,00,000/- but he had blocked the number and now, he shall be killed. The call was repeated on the mobile of Gulab Rai but he did not receive the same.

3.2 During investigation, CDR and IDs of the number as mentioned in the FIR were collected. Supplementary statement was made by complainant informing that earlier on 25.07.2023, he had received a call from mobile number 90341-33595 on his mobile and the caller had told him in threatening tone that he was Jagga Fauji (petitioner) and that he will kill him later and had immediately disconnected the call. As per complainant, the voice of the caller from mobile number 90341-33595 was the same as that of the caller from number +33758795995.

3.3 On investigation, mobile number 90341-33595 was found to be in the name of Gurtej Kaur, who was joined in the investigation and who disclosed that said number was being used by her son Jagmeet Singh @ Jagga i.e. the petitioner. Petitioner was then arrested and on interrogation on 13.02.2022, he admitted the crime. He also disclosed that he had hatched conspiracy with co-accused Hargobind @ Hari for demanding extortion money. A mobile phone make VIVO was also got recovered by him. Later co-accused Hargobind @ Hari was also arrested.

3.4 After completion of investigation, final report under Section 173 Cr.P.C. was submitted in the Court. Charges have been framed. Out of 20

witnesses cited by the prosecution, only 02 have been examined so far. The status report as filed by the accused also give details of 07 other cases, in which petitioner is involved, most of which are the cases under Arms Act; 02 cases for cheating and 01 case of extortion.

4.1 Learned counsel for the petitioner contends that petitioner has been falsely implicated on the basis of supplementary statement made by the complainant. It is pointed out that in the initial statement made on 01.09.2023, no reference was made by the complainant to have earlier received any call on 25.07.2023 from another number. It is contended that supplementary statement was made as an afterthought. It is still further contended that petitioner is in custody for the last more than 04 months; that trial may take time to conclude and so, in all these circumstances he be allowed bail.

4.2 Ld. counsel for the petitioner has referred to decisions of Hon'ble Supreme Court rendered in "***Prabhakar Tewari Vs. State of UP and another***" 2020(1) RCR (Criminal) 831 and "***Maulana Mohd. Amir Rashadi Vs. State of UP and another***" 2012(1) RCR (Criminal) 586, to contend that the allegations of grave and serious offence, and pendency of several criminal cases against the petitioner cannot be basis to refuse bail.

5. By pointing out towards the nature of crime and the role attributed to the petitioner, learned State counsel prayed for dismissal of the petition.

6. I have considered submissions of both the sides and perused the record.

7. As per prosecution, it is on 01.09.2023 that complainant had received threatening calls from a particular mobile number on WhatsApp,

demanding extortion money of ₹50,00,000/-. Although the status report reveals that during investigation, call detail records and identity documents of that mobile number were collected but report is silent as to in whose name that mobile number stands. It is on 11.09.2023 i.e. 10 days after registration of the FIR that complainant made supplementary statement that he had earlier received a call on 25.07.2023 from mobile number 90341-33595 and that caller was the petitioner, who in the threatening call had told that he will call later and that voice of the caller was the same.

8. Learned counsel for the petitioner rightly contends that in case complainant remembered the voice of the caller, who had made the call to him on 25.07.2023 from another mobile number, the complainant would have mentioned the said fact in the present FIR as lodged on 02.09.2023. There is nothing on record that voice of caller on any of dates i.e. 25.07.2023 or 01.09.2023 was recorded. There is nothing that voice of the petitioner was ever confronted to the complainant so as to identify the same.

9. Petitioner is in custody for the last 04 months and 17 days. Although he is involved in other cases also as per the custody certificate, but having noticed the circumstances as above, the criminal antecedents of petitioner should not create a block to grant him bail in this case.

10. In the case of ***Maulana Mohd. Amir Rashadi (Supra)***, objection about criminal antecedents was raised before Hon'ble Supreme Court. It was held as under: -

“As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged

and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.”

11. Similarly in the case of **Prabhakar Tewari (Supra)**, Hon’ble Supreme Court has observed as under: -

“The offence alleged no doubt is grave and serious and there are several criminal cases pending against the accused. These factors by themselves cannot be the basis for refusal of prayer for bail. The High Court has exercised its discretion in granting bail to the accused Vikram Singh upon considering relevant materials. No ex-facie error in the order has been shown by the appellant which would establish exercise of such discretion to be improper. We accordingly sustain the order of the High Court granting bail.”

12. It is, thus, clear that the allegation of grave and serious offence or the pendency of several other criminal cases against the accused-petitioner, cannot be the basis to refuse bail.

13. Having regard to all the aforesaid facts and circumstances, but without commenting anything further on the merits of the case, the present petition is allowed. Petitioner is admitted to bail on his furnishing bail bonds/surety bonds to the satisfaction of the Learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

(DEEPAK GUPTA)
JUDGE

February 06, 2024
Neetika Tuteja

Whether Speaking/reasoned Yes/No
Whether Reportable Yes/No