



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

103

CRM-M-60766-2024

Date of decision: December 4th, 2024

Ishaan Preet Singh @ Ishaan Chatwal

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Abhijeet P.S. Chaudhary, Advocate
for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of anticipatory bail in FIR No.107 dated 25.10.2024 under Sections 304/310(4)/310(5)/308(3) of the BNS, 2023 and Section 25 of the Arms Act, 1959, registered at Police Station Daresi, District Police Commissionerate Ludhiana.

2. Learned counsel for the petitioner submits that as per the allegations in the FIR annexed as Annexure P-1, the complainant was travelling along with his friend from Ludhiana to Jalandhar carrying ₹3 lakh in cash when he was intercepted by the accused, who arrived in a vehicle and restrained him. The accused allegedly threatened the complainant, snatched his weapon and, forcibly took ₹3 lakh from him. Furthermore, allegedly the complainant was coerced into arranging an additional ₹4 lakh under threats of dire consequences, which he managed by phoning up a friend, who then delivered the amount allegedly to co-accused.

3. Learned counsel has argued that the petitioner has been falsely implicated in the instant case, and was not even present at the

scene of crime. It has been contended that the petitioner was in Dehradun at the relevant time, making this a case of mistaken identity, as the name of the petitioner was confused with another individual, sharing the same name. Moreover, it is submitted that the two prime accused, Nanu and Mayank have already been arrested and thus the custodial interrogation of the petitioner is not warranted.

4. Notice of motion.

5. On asking of the Court, Mr. H.S. Deol, Senior Deputy Advocate General, Punjab, accepts notice on behalf of the respondent.

6. Learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite. It has been submitted by the learned State counsel, on instructions, that this is not the first time that the petitioner has been booked in a criminal case. The petitioner is already facing trial in another case FIR for offences under Section 307 etc. of the IPC and offences under the Arms Act. Learned State counsel, while drawing the attention of this Court to the FIR, has submitted that the complainant had specifically named the petitioner in the FIR and the petitioner clearly came across as an active participant in the crime in question.

7. Learned State counsel has further submitted that the accused were armed with a pistol and threatened the complainant by placing the weapon on his head. The petitioner forcibly seized the revolver of the friend of the complainant and, along with the co-accused, searched the vehicle of the complainant, forcibly taking away ₹3 lakh. Furthermore, a demand of ₹15 lakh was made by the accused, and upon the complainant's inability to meet this demand, he was threatened with dire consequences. Under this pressure, the

complainant then contacted a friend, who handed over ₹4 lakhs to the co-accused. Furthermore, the accused switched off the mobile handset of the complainant and discarded the empty cash bag from a bridge.

8. Learned State counsel has asserted that given the seriousness of the allegations in the FIR and the active role played by the petitioner in the crime, his custodial interrogation is necessitated and, therefore, the present petition be dismissed.

9. This Court has carefully considered the submissions of the learned counsel for the parties as well as gone through the material on record.

10. *Prima facie*, the FIR discloses specific and serious allegations against the petitioner, who has been directly named as an active participant in the alleged offence. The allegations include the use of firearms to threaten the complainant, the forcible seizure of cash and the extortion of additional money under threats of dire consequences.

11. The plea of *alibi* raised by the petitioner cannot be entertained at this preliminary stage, especially as the investigation is still underway and evidence is yet to be fully collected. Furthermore, it needs to be noticed that the petitioner is already involved in serious offences in another case.

12. Given the gravity and specificity of the allegations, and considering the nature of the offences involved, this Court does not deem it fit to extend the extraordinary concession or anticipatory bail to the petitioner.

13. The instant petition stands dismissed.

14. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

December 4th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No