

2025:PHHC:037186



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

**CRM-M-14908-2025
DECIDED ON: 19.03.2025**

JAGWINDER SINGH ALIAS SONU**.....PETITIONER****VERSUS****STATE OF PUNJAB****.....RESPONDENT****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Imran Singh Khara, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)**1. Prayer**

The jurisdiction of this Court has been invoked for the second time seeking anticipatory bail to the petitioner in case FIR No.38, dated 02.04.2024, U/s 364(A), 34, 120-B of IPC, Police Station Civil Lines, Bathinda, Punjab keeping in view the peculiar facts and circumstances of the present case, in the interest of justice.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“Copy of statement "Statement of Shri Mohit Garg son of Darshan Garg son of Desraj Garg, resident of House No. 16640 C, Street No. 09, Basant Vihar, Bathinda, age about 33 years, Mob: 7888635203, stated that I am a resident of the above

address. We are three sister and brothers. I am younger than my elder sister Nishu Garg, who is duly married. My youngest brother Sahil Garg, aged about 27 years is still bachelor. We have a shop in the name of Garg Trading Company in Sirki Bazaar Bathinda. My brother Sahil Garg works in the shop of Sirki Bazaar, Bathinda and also does finance work. Yesterday on 01.04.2024 at about 1:30 PM he had gone out of the house by riding on grey coloured Activa scooter bearing number PBOBN-6164, but did not tell any family member about where he is going. Then due to not coming at home of my brother, at about 4:00 o'clock in the evening, I made a phone call from my Mobile No. 78886-35203 on the Mobile No. 94630-878498 of my brother Sahil Garg, then phone number of my brother Sahil, which was coming switched off. Then I enquired about my brother Sahil from his friends, then they said that no conversation of them took place with Sahil. Then at about 6 o'clock in the evening, when I was present at Bhatti Road, Bathinda in connection with the search for my brother Sahil Garg, then I received a WhatsApp call from the Mobile No.94630-87848 of my brother Sahil Garg at my Mobile No. 78886-35203, in which my brother Sahil told me that he is stuck somewhere, make arrangement of 40 Paity of money. By saying this he disconnected the call. Then, after a minute, I again received a WhatsApp call from the above said mobile number of my brother on my mobile number, and my brother started saying to me that no one should know about this conversation. Otherwise these persons can harm me. Then they disconnected the call and switched off the phone. Even after this, the calls came on the mobile numbers of our family members and friends of Sahil also regarding the above said issue. I and my family members searched a lot for my brother Sahil, who has not been found yet. Now I am absolutely sure that my brother Sahil Garg has been kidnapped by unknown person/persons and demanding money. Legal action should be taken against unknown person/persons.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case as he was not even present at the time and place of the alleged occurrence. He further submits that its a case of no injury and there is a delay of two days in lodging the FIR. He undertakes before this Court that he is ready and willing to join the investigation as and when called upon by the Investigating Officer.

Notice of motion.

On behalf of the State/complainant

On the asking of Court, Mr. Jaspal Singh Guru, AAG Punjab, accepts notice on behalf of respondent/State. He submits that the delay has occurred on account of the fact that the kidnapped child was recovered two days thereafter and only at this stage, the name of the petitioner was came into picture. Apart from he could not put forth any incriminating material to seek custodial interrogation of the petitioner.

4. **Analysis**

Be that as it may, having given a considerable thought to the submissions made hereinabove especially to the fact that its a case of no injury, no incriminating material has come forth by the prosecution to connect the petitioner with the alleged commissioning of offence added with the fact that the petitioner is not involved in any other case, meaning thereby he is a person of clean antecedents, this Court is of the considered view that there is no valid or cogent reason to deny the bail to the present petitioner, wherein he has *bona fide* intentions and is ready and willing to join the investigation and

cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

5. **Relief**

Hence, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.’

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within a period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

19.03.2025

Meenu

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*