

2025:PHHC:038046



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

207

CRM-M No.16357 of 2024
Date of decision:19.03.2025

Baldev Singh ... Petitioner

Vs.

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Gautam Dutt, Advocate,
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab,
for the respondent-State.

Mr. B.S. Bairagi, Advocate,
for the complainant.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
0035	14.03.2024	Kot Ise Khan, District Moga	365 of IPC

2. Brief facts relevant for the purpose of disposal of the present petition are that the aforementioned FIR has been registered on the basis

2025:PHHC:038046



of statement recorded by the complainant Jaswinder Kaur alleging therein that on 27.01.2024, her husband had left home on his Platina make motorbike. He had crossed the village river through a boat along with his motorbike and had gone to Village Kot Ise Khan wherein he had met Pargat Singh, commission agent. She had made a call to him to know about his well being. Subsequently, his mobile was switched off and ever since then, he had gone missing. She disclosed that Pargat Singh, commission agent had informed her that one muffled face person had talked to her husband and had boarded on the motorbike of her husband. She alleged that the mobile phone of her husband was showing its location in the area of Village Ghall Khurd but despite making continuous search for her husband, he could not be traced. While suspecting that her husband had been abducted by the petitioner with whom he was having inimical relations, she prayed for taking action. A case under Section 365 of IPC was registered. Investigation proceedings were initiated. Apprehending his arrest, the petitioner moved an application for grant of anticipatory bail which was dismissed by the Court of learned Additional Sessions Judge, Moga vide order dated 21.03.2024.

3. It will not be out of place to mention here that vide order dated 04.04.2024, the petitioner had been ordered to be released on interim bail subject to his joining investigation and further subject to his furnishing

2025:PHHC:038046



personal and surety bonds to the satisfaction of Arresting Officer. As already mentioned, he has joined investigation.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The victim was a property dealer and the petitioner had sold his land through the victim about three years back. On 27.01.2024, the victim had made a call to him asking him to sell his remaining land but he had refused. He never met the victim on 27.01.2024. He has been involved in this case merely on the basis of suspicion. He has already joined investigation and is ready to join further investigation as and when required. His custodial interrogation is not required. No purpose would be served by detaining him. Therefore, it is urged that he deserves to be given benefit of pre arrest bail.

5. Status report has already been filed by the respondent-State, as per which, during the course of investigation, it was revealed that the victim was using a cell phone having two sim card Nos.8427874693 and 9876759611 whereas the petitioner had been using one cell phone bearing sim card No.8872358023 which was issued in the name of one Ripan Kumar. On the fateful day i.e. on 27.01.2024, the petitioner had made a call to the victim from his cell phone. On the same day, he had switched off his mobile phone at 11 AM whereas mobile phone of victim was switched off at about 1:30 PM. It was also revealed that the petitioner had got issued another cell phone No.8872358023 in the name

2025:PHHC:038046



of one Ripan Kumar and had been using the same and the said phone had also been switched off since 27.01.2024. It was also revealed that the location of the said phone was within the area of Village Kot Ise Khan and its surrounding area on 27.01.2024. It was also revealed during investigation that the mobile phone No.8872358023 was used only to make calls to the victim during the period from 26.01.2024 to 27.01.2024. Learned Assistant Advocate General, Punjab assisted by learned counsel for the complainant has submitted that though the petitioner has joined investigation, however, he has not cooperated with the investigating agency and has not given any satisfactory reply qua switching off his cell phone for 4-5 hours on 27.01.2024. It is argued that his custodial interrogation is required for conducting thorough investigation in the matter. Therefore, it is urged that the petition does not deserve to be allowed.

6. I have heard learned counsel for the parties at considerable length and have gone through the record.

7. The husband of the complainant is missing since 27.01.2024. The investigation conducted so far has revealed that the petitioner had made call on the phone of the victim on that very day and even prior to that. The cell phone of the victim as well as the petitioner had been switched off on that day. The petitioner is stated to have joined investigation but no information about the use of his phone has been

2025:PHHC:038046



elicited by the investigating agency. The allegations against the petitioner are serious in nature. It is well established principle of law governing the grant of anticipatory bail that while considering such plea, the Court is required to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation, or tampering with evidence, likelihood of fleeing justice etc. It is equally well established that while considering prayer for grant of anticipatory bail, the Court should consider that no prejudice is caused to the free, fair and full investigation as well as the fact that there is prevention of unjustified detention of the accused and a balance should be struck. More so, custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order of anticipatory bail. Taking into consideration the nature of the allegations as levelled, I am of the considered opinion that the custodial interrogation of the petitioner is certainly required for proper investigation in the matter. More so, it is also well settled proposition of law that the anticipatory bail should be granted in exceptional and extraordinary circumstances and no such exceptional and extraordinary circumstance has been made out in this case. As such, I am of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

8. It is, however, clarified that observations made hereinabove

2025:PHHC:038046



shall not be construed as an expression of opinion on the merits of the case.

19.03.2025
manju

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No