



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

203

CRM-M-37876-2024
Date of decision: 5th February, 2025

Kulwant Singh @ Kala Sekhon
...Petitioner

Versus

State of Punjab
...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. G.S. Jagpal, Advocate for the petitioner.
Ms. Himani Arora, Assistant Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) seeking anticipatory bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
318	31.12.2023	Patran, District Patiala	323, 384, 506 read with Section 120-B of IPC

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR had been registered on the basis of a complaint lodged by the complainant- Bhupinder Singh @ Bhinder Singh, on the allegations that one female had made calls on his mobile phone on 14/15.12.2023 and by honey trapping her, had induced him to come to her and have physical relations with her at a particular place. On



being so induced, he had gone to meet that female on 17.12.2023, wherein he was made to forcibly remove his clothing by that female who disclosed her name as Jyoti and she too removed her lower and then the present petitioner along with co-accused Abhishek reached there and started assaulting the complainant. They made a video of complainant and the said Jyoti. He was asked to part with money and otherwise threatened that his video would be made viral. He had given an amount of Rs. 1,00,000/- and then Rs. 33,000/- to the petitioner and the co-accused. They had started demanding more money and harassing the complainant. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner moved an application for grant of pre-arrest bail which was dismissed by the Court of learned Additional Sessions Judge, Patiala vide order dated 04.03.2024.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. There is no medical evidence to show that the complainant had been assaulted by him and has sustained any injuries. A false story has been planted against him. No money was given to him by the complainant. The subject offences have not been made out as against him. He is ready to join the investigation. His custodial interrogation is not required. Therefore, it is urged that he deserves to be extended benefit of pre-arrest bail.

4. Status report has been filed by respondent-State. It is argued by learned Senior Deputy Advocate General, Punjab that keeping in view the gravity of allegations, the petitioner does not deserve to be extended benefit



of pre-arrest bail especially in the circumstance, when 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.

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

6. The petitioner in connivance with the co-accused is alleged to have prepared a video of the co-accused Jyoti with the complainant in order to extort money from him and is further alleged to have extorted a sum of Rs. 1,30,000/- from the complainant by extending threat to make his video viral on social media. The said video had even been sent to the complainant by the accused persons in order to criminally intimidate him. The allegations against the petitioner are serious in nature. The custodial interrogation of the petitioner is required for eliciting the truth and the manner of committing subject offences as well as for conducting thorough investigation in the matter. It is well settled that 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. Many useful information can be disinterred during custodial interrogation. Moreso, no exception or extra ordinary circumstance warranting exercise of powers for grant of pre-arrest bail is made out in this case. Keeping in view the nature of the subject offences and the role attributed to the petitioner and for the purpose of eliciting the truth, I am of the considered opinion that he does not deserve to be extended benefit of pre-arrest bail. Accordingly, the petition stands dismissed.



7. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.
8. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

5th February, 2025

Parveen Sharma	1. Whether speaking/ reasoned	:	Yes / No
	2. Whether reportable	:	Yes / No