

2025:PHHC:135047



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH
320

CRM-M No.49143 of 2025 (O&M)
Date of decision: 25.09.2025

Prashant Lohchab ... Petitioner

Vs.
State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Saurav Bhatia, Advocate,
for the petitioner.

Ms. Himani Arora, DAG, Haryana,
for the respondent-State.

Mr. Dushyant Saharan, Advocate,
for the complainant.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
283	07.07.2025	City Bahadurgarh, District Jhajjar	308(4), 351(3) and 61(2) of the Bharatiya Nyaya Sanhita, 2023 (For short “BNS”)

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:135047



of a complaint lodged by complainant Bijender Rathi alleging that on the night of 17.06.2025, he received a Whatsapp message from some unknown number on his cell phone. Sometime thereafter, he received a call on his phone and the caller firstly told his name as Amar and then as Nandu and asked the complainant as to why he had got a meeting arranged between Amar, Kapoor and Nafe. The complainant disconnected the number by saying that the caller had made a call at wrong number. He received 10 calls continuously but did not pick them up. Then he received a message whereby he had been extended threats. Since he did not respond to the said message as well as subsequent calls, he received other messages also whereby the messenger by showing that he belonged to a mafia extended threat to kill him. He received similar messages on 20.06.2025. The caller raised demand of money of a sum of Rs.5 crores and otherwise threatened to kill the complainant, his family members and relatives. After registration of FIR, investigation proceedings have been initiated and are underway. The complainant recorded his supplementary statement on 13.07.2025 thereby providing a pendrive containing call recording of complainant and accused Kapil Sangwan @ Nandu and Whatsapp chat involving accused Dhananjay showing that the accused Kapil Sangwan demanded extortion money of Rs.5 crores while extending threat of life to the complainant. The accused Dhananjay was arrested. He suffered disclosure statement to the effect

2025:PHHC:135047



that there was a property dispute between the family of the complainant and his family. The petitioner who is son of his maternal uncle had told him that he was in contact with co-accused Kapil Sangwan @ Nandu who was a gangster and could engage him for raising demand of extortion money of Rs.5 crores and to extend threats to the complainant so that the property dispute could be settled and money could be extracted from the complainant and in connivance with the petitioner and himself, the accused Kapil Sangwan had made calls to the complainant thereby raising demand of money. On the basis of above disclosure statement, the present petitioner and co-accused Amardeep Lohchab were nominated as such. Accused Amardeep Lohchab @ Amar was arrested on 08.08.2025. Apprehending his arrest, the petitioner moved an application for pre arrest bail which was dismissed by the Court of learned Additional Sessions Judge, Jhajjar vide order dated 22.08.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of the co-accused which cannot be considered to be admissible in evidence. No notice under Section 35(3) of BNSS had been issued to him. He is ready to join the investigation. His custodial interrogation is not required. No recovery is to be effected from him. It is, therefore, urged that the petition deserves to be allowed.

4. Status report has been filed. Learned Deputy Advocate

2025.PHHC:135047



General, Haryana assisted by learned counsel for the complainant has argued that there are serious allegations against the petitioner who hatched a conspiracy with a gangster and the co-accused Dhananjay in pursuance of which threats were extended to the complainant and money was tried to be extorted from him. For conducting proper investigation in the matter, his custodial interrogation is must. No extraordinary and exceptional circumstance for grant of bail is made out. It is, therefore, urged that the petition does not deserve to be allowed.

5. Rival submissions addressed by both the parties have been heard.

6. The petitioner is alleged to have connived with the co-accused Dhananjay and in pursuance of this conspiracy, a gangster Kapil Sangwan had been engaged by them to extend threats to the complainant and to extort money from him by criminally intimidating him. The co-accused Dhananjay has been extended benefit of regular bail. The allegations qua extortion of money, have been levelled against the co-accused Kapil Sangwan and not against the petitioner. He was nominated as accused on the basis of disclosure statement of the co-accused. Veracity of this disclosure statement will be tested during the course of trial. However, at this stage, it cannot be ignored that no recovery is to be effected from the petitioner. Given the nature of the allegations as levelled against him, the custodial interrogation of the petitioner is also

2025:PHHC:135047



not required. The respondent-State has placed on record transcript of the record of conversation made between son of the complainant and accused Kapil Sangwan. However, at this stage, no inference can be drawn from the same about involvement of the petitioner in the subject crime. As such, this Court is of the opinion that a case for grant of pre arrest bail is made out in favour of the petitioner. Accordingly, the petition is allowed and the petitioner is ordered to be extended benefit of anticipatory bail, subject to his surrendering before the Investigating Officer/Arresting Officer within a period of ten days from the date of passing of this order and shall join investigation and on his surrender within that period, he shall be released on bail by the Investigating Officer/Arresting Officer on furnishing personal/surety bonds to its satisfaction and subject to the following conditions:-

- (i) the petitioner shall cooperate with the investigation and shall appear before the Investigating officer/Arresting officer as and when required.
- (ii) He 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/her from disclosing such facts to the Court or to any Police Officer.
- (iii) He shall not commit any similar offence while on bail.
- (iv) He shall not leave the country without prior permission

2025:PHHC:135047



of the Court.

(iv) He shall deposit his passport if any, with the jurisdiction Magistrate/trial Court.

- 7. In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with law.
- 8. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.
- 9. Miscellaneous application(s), if any, also stand disposed of.

25.09.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No