



In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-52038 of 2025

Reserved On: 22.9.2025

Pronounced On: 24.09.2025

Mandeep Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.

Present: Mr. Karanjeet Singh Brar, Advocate
for the petitioner(s).

Mr. K.D.Sachdeva, Deputy Advocate General,
Punjab, for the respondent.

Surya Partap Singh, J.

1. For the commission of offence punishable under Section 308(2) and 351(2) of BNS, the FIR No. 193 dated 13.08.2025 has been lodged in Police Station City Kotkapura, District Faridkot. The petitioner is named as an accused in the above mentioned FIR. Apprehending his arrest in the above mentioned case, the petitioner has approached this Court for anticipatory bail, by invoking the jurisdiction of this Court under Section 482 of BNSS.

2. The facts, in nut-shell, as emerging from the record are that the FIR in this case came into being on the basis of statement of Jatinder Kumar Chawla, hereinafter being referred to as “complainant” only. In his above mentioned complaint dated 13.08.2025, it was stated by the complainant that he was running a Computer Center and that on 16.07.2025 at about 3.52

P.M., he received a WhatsApp call from mobile number 9779379126. According to above named complainant, the caller introduced himself to be 'Neeraj Chaska' and demanded ₹10,00,000/- as ransom. The complainant further alleged that the above named caller had threatened him by saying that if ransom was not paid, the outcome would be bad and there would be shooting by fire arms. According to complainant, thereafter, he disconnected the phone, but after some time he received another WhatsApp call from the same mobile number and the caller again threatened him. It was further alleged by the complainant that he had recorded the conversation, and that he has a belief that the above mentioned call was made by Mandeep Singh son of Gurmeet Singh, i.e. the petitioner and Makhan Singh son of Buta Singh.

3. It is the case of prosecution that on the basis of above mentioned information, formal FIR, pertaining to instant case, was lodged and the investigation was taken up. The above said investigation is still in progress.

4. Heard.

5. It has been contended by learned counsel for the petitioner that without any reasonable basis, the petitioner has been named in the FIR, by falsely showing his link with a known gangster, namely 'Neeraj Chaska'. According to learned counsel for the petitioner, the petitioner has no connection whatsoever with the above named gangster, and that the complainant, in order to settle score with the petitioner, has filed FIR against the petitioner. It has also been contended by learned counsel for the petitioner that there is no scientific evidence to show that the call was ever

made by the petitioner to the complainant or that the mobile number used for the said call belonged to the petitioner. According to learned counsel for the petitioner, in view of above mentioned fact situation, the petitioner is entitled for the benefit of anticipatory bail.

6. The learned State counsel has controverted the above mentioned arguments. According to learned State counsel, in the present case, the allegations against the petitioner are of serious nature and that the investigation is still in infant stage, wherein the facts are yet to crystallize. As per learned State counsel, since there are allegations of link of the petitioner with known criminal, custodial interrogation of the petitioner is of utmost importance. The learned State counsel has further argued that if the opportunity of interrogation of petitioner is denied to the Investigating Agency, it will have a very serious adverse impact on the outcome of investigation.

7. In addition to above, the learned State counsel has argued that in the present case, the petitioner has virtually denied this fact that he had ever called the complainant but as per the details received from the WhatsApp, WhatsApp call was made while using a mobile number which was registered in the name of petitioner. It has also been contended by learned State counsel that the petitioner has a criminal history and in the past also, he was prosecuted for the commission of offence punishable under Sections 380, 506, 511 and 34 IPC vide FIR No. 151 dated 18.02.2023 and for the commission of offence punishable under Section 22 of the NDPS Act vide FIR No. 24 dated 16.06.2024.

8. The record has been perused carefully.

9. In the present case, one of the most relevant factor to be taken into consideration is that the complainant has come forward with specific allegations that a call for ransom was received by him and the caller had disclosed himself to be the known gangster, namely Neeraj Chaska. Since the complainant had a doubt against the petitioner, he has specifically mentioned the name of petitioner in the FIR and as per the evidence collected by the Investigating Agency, so far, the call from mobile No. 9779379126 was made by using IP address belonging to the petitioner.

10. In view of the above mentioned circumstances, there appears to be some credibility in the allegations levelled by the complainant and this possibility cannot be ruled out that there is a link between the ransom call and the petitioner. Since there are specific allegations of involvement of petitioner in the commission of offence, and his link with the known gangster of the area, and otherwise also, the petitioner has a criminal history, in the instant case if the valuable right of interrogation is denied to the Investigating Agency it will, defined by, have a very adverse impact on the outcome of the investigation of this case, which may not take a proper headway.

11. It shall not be out of place to mention here that remedy of anticipatory bail is an extraordinary remedy for a person who is accused of grave offence. With regard to such relief, the Hon'ble Supreme Court of India in the case of *Srikant Upadhyay v. State of Bihar 2024 SCC OnLine SC 282*, has observed that power to grant anticipatory bail is extraordinary power. In the above-mentioned case, it has also been held that irrespective of the fact that in a number of cases it has been held that bail is a rule, it

cannot, by any stretch of imagination, be said that anticipatory bail is a rule.

12. The Hon'ble Supreme Court of India in the above mentioned case has further observed that rule of anticipatory bail is a question of judicial discretion depending upon the facts and circumstances of each case. According to Hon'ble Apex Court, when called upon to exercise the above said power the Court concerned has to be very cautious, as the grant of interim protection to the accused in serious cases may lead to miscarriage of justice, and hamper the investigation.

13. Similarly, in the case of *Nikita Jagganath Shetty alias Nikita Vishwajeet Jadhav v. The State of Maharashtra and Another (Special Leave Petition (Criminal) No. 10255 of 2024, decided on 21.07.2024)*, the Hon'ble Supreme Court of India has held that anticipatory bail is an exceptional remedy and it ought not be granted in a routine manner. As per the Hon'ble Supreme Court, there must exist strong reasons for extending indulgence of this extraordinary remedy to a person accused of grave offence.

14. In the case of *Gurbaksh Singh Sibba etc. v. State of Punjab 1980 SCC (2) 565*, the Hon'ble Supreme Court of India has also held that:-

- i) the power under Section 438, Criminal Procedure Code, is of an extra-ordinary character and must be exercised sparingly in exceptional cases only.
- ii) the said power is not unguided or uncanalized but all the limitations imposed in the preceding Section 437, are implicit therein and must be read into Section 438.
- iii) in addition to the limitations mentioned in Section 437,

the petitioner must make out a special case for the exercise of the power to grant anticipatory bail.

- iv) Where a legitimate case for the remand of the offender to the police custody under Section 167(2) can be made out by the investigating agency or a reasonable claim to secure incriminating material from information likely to be received from the offender under Section 27 of the Evidence Act can be made out, the power under Section 438 should not be exercised.

15. Taking into consideration the cumulative effect of the entire discussion and the relevant legal propositions, and the fact situation of this case, it is hereby held that if an opportunity of interrogation of the petitioner is denied to the Investigating Agency it will scuttle the investigation of this case. It is apparent on record that in such eventuality the set back to the investigation of this case would be beyond repair. Hence, it can be safely concluded in the present case that instant case is not a case wherein the discretion should be exercised in favour of petitioner.

16. As a sequel to observations made in the foregoing paragraphs, it is hereby held that the instant petition for anticipatory bail is devoid of merits and deserves dismissal. The present petition is hereby dismissed, accordingly.

(Surya Partap Singh)
Judge

September 24, 2025
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No