



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

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CRM-M-57472-2024

Date of decision: 5th March, 2025

Tandra Uday Kumar

...Petitioner

Versus

U.T., Chandigarh

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Nand Lal Sammi, Advocate for the petitioner.

Mr. Manish Bansal, PP, U.T., Chandigarh.

MANISHA BATRA, J (ORAL):-

The petitioner is seeking benefit of anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') in case arising out of FIR No. 124 dated 25.07.2023 registered under Sections 420 and 511 of IPC at Police Station Sector 31, Chandigarh.

2. As per the allegations, on 25.07.2023, a complaint was lodged by Balwinder Singh, Second in Command (GDPQ) Recruitment Board ITBP, to the effect that the Detailed Review Medical Examination for recruitment on the post of Constable (GD) was going on in the premises of ITBP, Behlana, Chandigarh. One candidate namely Sajan informed him that he had received a call on his cell phone from a female and the caller after informing him that he was declared unfit in Detailed Medical Examination, offered to get him declared fit, if he transferred an amount of Rs. 15,000/- by online to her. The above named Sajan also informed the complainant that on



expressing his inability to pay the aforementioned amount, the caller had told him to give a sum of Rs. 10,000/-. Sajan had recorded conversation with that unknown caller and showed the same to the complainant. The complainant prayed for conducting investigation in the matter to discover the truth.

3. As per the further allegations, during the course of investigation, two suspected numbers were found in the call detail record of the above named Sajan. It was revealed that SIM cards of those numbers were issued in the names of two boys namely Nagarajupeta Kadapa and Ajit who hailed from Andhra Pradesh. On being contacted those boys informed that those SIM cards were purchased in their names by one Tharon and had been given to the present petitioner, who was maternal uncle of the said Tharon. Since the complicity of the petitioner in the crime had been revealed. He was nominated as an accused. Investigation against him has been initiated and is underway. Apprehending his arrest, he moved an application for grant of pre-arrest bail before the Court of learned Additional Sessions Judge, Chandigarh which has been dismissed vide order dated 02.07.2024.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was not named in the FIR. He is now posted in ITBP, Sikkim. He was not a member of Review Medical Examination team and there was no occasion for him to demand any money from any candidate. He has been implicated only on the basis of suspicion. No money had been transferred in his name. The alleged victim Sajan had disclosed that it was some female, who had made a call demanding money



from him and not a male. The petitioner is ready to join the investigation and has even joined the same now. His custodial interrogation is not required. No recovery is to be effected from him. Therefore, it is urged that he deserves to be extended benefit of pre-arrest bail.

5. Status report has been filed by learned Public Prosecutor, U.T., Chandigarh. It is argued by him that there are serious and specific allegations against the petitioner. The call detail record of the mobile phone number of the victim and suspected cell numbers had been examined and it was revealed that SIM cards of those phones were purchased by Tanish, nephew of the petitioner in the names of his friends Nagarajupeta Kadapa and Ajit and the petitioner had taken the same. The petitioner even after joining investigation has failed to explain the reason for making calls from these numbers to the victim. The investigation conducted so far has revealed that these SIM cards are in his custody. For conducting thorough investigation in the matter, custodial interrogation of the petitioner is must. Therefore, it is urged that he does not deserve to be extended benefit of bail.

6. This Court has heard learned counsel for the parties at considerable length and have gone through the record carefully.

7. The petitioner joined investigation on 02.03.2025. No recovery is to be effected from him as the call detail record of the SIM numbers which were allegedly used by the petitioner has already been collected. The alleged caller who demanded money from the victim was a female and it is a question of debate that it was the petitioner who made any inducement or attempt to induce the victim. Such question will be decided only on thorough assessment of the evidence to be produced during trial and not at



this stage. Given the nature of the allegations, in the considered opinion of this Court, the pretrial incarceration of the petitioner is not required. The circumstances peculiar of this case, petitioner makes a case for release on bail. Accordingly, the petition is allowed and the order dated 19.11.2024 granting interim bail to the petitioner is made absolute, subject to compliance of conditions laid down in Section 482(2) of BNSS.

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

[MANISHA BATRA]
JUDGE

5th March, 2025
Parveen Sharma

1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No