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

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CRM-M-26164-2024(O&M)

Decided on: 06.02.2025

Mandeep Singh

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGHPRESENT: Mr. Fateh Singh Bhullar, Advocate
for the petitioner(s).

Mr. Davinder Bir Singh, Senior DAG, Punjab.

KIRTI SINGH, J. (Oral)

Apprehending arrest the petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case bearing FIR No.23 dated 22.02.2024, under Sections 354-A, 354-D, 509 and 506 IPC and Sections 67 and 67(A) of IT Act, registered at Police Station City Patti, District Tarn Taran.

2. Learned counsel for the petitioner, inter alia, submits that petitioner has been falsely implicated in this case. It has been contended that there is an ongoing money dispute between the present petitioner and the complainant, as the complainant and her husband had borrowed an amount of Rs.15 lacs as a friendly loan from the petitioner. On 14.09.2023, the cheque amounting to Rs.7 lacs was issued in favour of the petitioner which was dishonored due to insufficient funds. It has been argued that FIR is a counter blast to the amount owed by the complainant and her husband.

3. Per contra, learned State counsel has opposed the prayer and submits that there are serious allegations levelled against the petitioner. It



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has also been stated that as far as the counter allegations levelled by the petitioner regarding transfer of Rs.18,52,476/- and Rs.2,55,000/- in the account of the complainant and further Rs.1,47,000/- in the form of cash to the complainant is concerned, it is submitted that during the investigation, the complainant produced her bank account statement and stated that the mother of the petitioner had deposited Rs.16,43,476/- in complainant's bank account and thereafter Rs.15,20,000/- was returned in her bank account on 28.02.2022 and rest of the amount was paid to the petitioner on different dates and as of now nothing is due towards her. It has also been argued that the petitioner has been blackmailing the complainant and circulating her obscene video to her sister-in-law of the complainant and the same has been recovered by the investigating officer in a USB pen drive.

4. Heard the rival submissions made by both the parties.
5. In ***Srikant Upadhyay and others vs. State of Bihar and another, 2024 (INSC) 202 (SC)***, Hon'ble Supreme Court held as under:

*“It is thus obvious from the catena of decisions dealing with bail that even while clarifying that arrest should be the last option and it should be restricted to cases where arrest is imperative in the facts and circumstances of a case, the consistent view is that the grant of anticipatory bail shall be restricted to exceptional circumstances. In other words, the position is that the power to grant anticipatory bail under Section 438, Cr.P.C. is an exceptional power and should be exercised only in exceptional cases and not as a matter of course. Its object is to ensure that a person should not be harassed or humiliated in order to satisfy the grudge or personal vendetta of the complainant. (See the decision of this Court in *HDFC Bank Ltd. v. J.J.Mannan & Anr. 2010 (1) SCC 679*).*”



Further, it was clearly observed in para NO. 24 of the judgment (supra) that “though in many cases it was held that bail is said to be a rule, it cannot, by any stretch of imagination, be said that anticipatory bail is the rule. It cannot be the rule and the question of its grant should be left to the cautious and judicious discretion by the Court depending on the facts and circumstances of each case. While called upon to exercise the said power, the Court concerned has to be very cautious as the grant of interim protection or protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation to a great extent as it may sometimes lead to tampering or distraction of the evidence. We shall not be understood to have held that the Court shall not pass an interim protection pending consideration of such application as the Section is destined to safeguard the freedom of an individual against unwarranted arrest and we say that such orders shall be passed in eminently fit cases. At any rate, when warrant of arrest or proclamation is issued, the applicant is not entitled to invoke the extraordinary power. Certainly, this will not deprive the power of the Court to grant pre-arrest bail in extreme, exceptional cases in the interest of justice. But then, person(s) continuously, defying orders and keep absconding is not entitled to such grant.”

6. In ***Sushila Aggarwal v. State (NCT of Delhi) (2018) 7 SCC 731***, the Constitution Bench reaffirmed that when considering applications for anticipatory bail, courts should consider factors such as the nature and gravity of the offences, the role attributed to the applicant, and the specific facts of the case.

7. In ***Siddharam Satlingappa Mhetra v. State of Maharashtra & Ors. reported in (2011) 1 SCC 694*** rendered in the context of the discretion to grant Anticipatory Bail under Section 438, Hon’ble Supreme Court



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advocated the need to balance individual personal liberty with societal interest and observed:-

“84. Just as liberty is precious to an individual, so is the society’s interest in maintenance of peace, law and order. Both are equally important.”

8. There are serious allegations of blackmailing levelled against the petitioner. The pen drive has been recovered which contains the videos of the complainant which have been shared with the sister-in-law of the complainant.

9. Accordingly, this Court is of the considered opinion that the petitioner is not entitled to the discretionary benefit of anticipatory bail and this petition deserves to be dismissed.

10. Ordered accordingly.

11. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

06.02.2025

Kapil

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No