

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM M-24810 of 2016

Date of Decision: July 23, 2016

Shalinder Singh

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

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Present:- Mr.Manoj Taya, Advocate
for the petitioner.

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M.M.S. BEDI, J. (ORAL)

Petitioner apprehends arrest, in a case registered under the offences which are bailable. His application for pre-arrest bail has been dismissed as not maintainable on the ground that all the offences are bailable.

Counsel for the petitioner has submitted that the complainant in the present case is the uncle of the petitioner who is actually his biological father. On account of petitioner having claimed his right as natural son of complainant, the complainant being an Advocate, has adopted different pressurizing tactics to harass the petitioner. Counsel submits that the

petitioner has got an apprehension that on appearance before the investigating officer or Court, he would be arrested in some other criminal case regarding which the petitioner might not have a knowledge.

I have considered the circumstances of the case. Arresting of an accused after he is enlarged on bail, in another case, is not an unknown system in India. The Apex Court in **Uday Chand Vs. Sheikh Mohd. Abdullah** has held that it is the bounden duty of the State to disclose to the Court granting bail, about the pendency of criminal cases before re-arresting an accused. Similar is the ratio of the judgment of **A. Loso Vs. State of Manipur**, 1988 CrI.L.J.1458.

Notice to Advocate General, Haryana.

On the asking of the Court, Mr.G.S.Salwara, DAG, Haryana, accepts notice. Copy given.

This petition is disposed of with a direction that in case the petitioner surrenders before the Area Magistrate in the bailable offences mentioned in FIR No. 189 of May 4, 2016 registered at the instance of Sukhbir Singh in Police Station Safidon, District Jind, the prosecution agency will be required to disclose to the Court if the petitioner is required in any other criminal case registered against him in the State of Haryana. While disclosing such information, the prosecution agency would be required to give a 10 days' notice to the petitioner to avail the legal remedy available to him. This order will not be applicable in the following circumstances:-

- i) In the criminal cases which are registered against the petitioner, if any, are in the knowledge of the petitioner;
- ii) in case of any cognizable offence actually committed by violating any substantive offence in IPC or other Act after the passing of this order;
- iii) any other case registered at the instance of third party not connected to the complainant.

It is further ordered that this order will remain operative for a period of three months and will be applicable only in the circumstances mentioned hereinabove.

July 23, 2016
sanjay

(M.M.S.BEDI)
JUDGE