

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

CRM-M-50712-2019 (O&M)
and 27 other connected cases
Date of decision : 18.12.2019

Hem Singh Bharana

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. N.S. Shekhawat, Advocate and
Mr. Rajiv Sidhu, Advocate and
Mr. Sahil Gupta, Advocate for the petitioner.

Mr. Manish Bansal, DAG, Haryana alongwith
Inspector Satya Narayan.

ANIL KSHETARPAL, J. (ORAL)

By this common order, all 28 petitions bearing CRM-M-50712-2019, CRM-M-50736-2019, CRM-M-50744-2019, CRM-M-50753-2019, CRM-M-51038-2019, CRM-M-53477-2019, CRM-M-53478-2019, CRM-M-53480-2019, CRM-M-53483-2019, CRM-M-53485-2019, CRM-M-53489-2019, CRM-M-53492-2019, CRM-M-53510-2019, CRM-M-53511-2019, CRM-M-53512-2019, CRM-M-53514-2019, CRM-M-53517-2019, CRM-M-53522-2019, CRM-M-53524-2019, CRM-M-53525-2019, CRM-M-53526-2019, CRM-M-53527-2019, CRM-M-53528-2019, CRM-M-53530-2019, CRM-M-53532-2019, CRM-M-53535-2019, CRM-M-53651-2019 and CRM-M-53675-2019 shall stand disposed of.

In all the abovementioned 28 petitions, the petitioner prays for

grant of pre-arrest bail in FIR No.0454 dated 16.07.2015, FIR No.0200 dated 25.03.2015, FIR No.0179 dated 13.03.2015, FIR No.0180 dated 13.03.2015, FIR No.0189 dated 17.03.2015, FIR No.0177 dated 12.03.2015, FIR No.0150 dated 24.02.2015, FIR No.0492 dated 31.07.2015, FIR No.0059 dated 27.01.2015, FIR No.0049 dated 24.01.2015, FIR No.0811 dated 18.12.2015, FIR No.0202 dated 26.03.2015, FIR No.0038 dated 27.01.2016, FIR No.0042 dated 21.01.2015, FIR No.0036 dated 27.01.2016, FIR No.0206 dated 27.03.2015, FIR No.0203 dated 26.03.2015, FIR No.0148 dated 23.02.2015, FIR No.0501 dated 06.08.2015, FIR No.0178 dated 12.03.2015, FIR No.0175 dated 12.03.2015, FIR No.0630 dated 28.09.2015, FIR No.0625 dated 26.09.2015, FIR No.0508 dated 08.08.2015, FIR No.0499 dated 05.08.2015, FIR No.0596 dated 12.09.2015. FIR No.0147 dated 23.02.2015, FIR No.0176 dated 12.03.2015, all registered under Sections 420, 406 and 120-B of the Indian Penal Code at Police Station City Palwal, District Palwal, Haryana.

On 09.12.2019, following order was passed by this Court in CRM-M-50712-2019, CRM-M-50736-2019, CRM-M-50744-2019, CRM-M-50753-2019 and CRM-M-51038-2019:-

“On 29.11.2019, while noticing the contentions of learned counsel appearing for the petitioner, following order was passed:-

“Petitioner prays for grant of pre-arrest bail in FIR No.0454 dated 16.07.2015 registered under Sections 420, 406 and 120-B of the Indian Penal Code at Police Station City Palwal, District Palwal, Haryana.

Learned counsel appearing on behalf of the

petitioner submits that proceedings under Insolvency and Bankruptcy code are almost at the fag end. He further contends that in the connected FIR, petitioner was arrested on 08.02.2016 which was registered at the same Police Station and was granted interim bail on 12.04.2016 which was confirmed on 31.05.2016. He further submits that the first informant had also registered a criminal case against the petitioner with similar allegations at New Delhi in which petitioner was arrested on 25.10.2018 and was granted concession of bail on 11.02.2019. He further contends that petitioner is now sought to be arrested because the claim of various claimants including complainant are now sought to be settled.

Notice of motion.

On asking of the Court, Mr. Anmol Malik, AAG, Haryana. accepts notice on behalf of State of Haryana and seeks time to get instructions.

List on 03.12.2019 in the urgent.”

Reply to the petition filed in the Court today is taken on record and copy thereof has been supplied to the learned counsel for the petitioner.

Adjourned to 18.12.2019 to enable the Superintendent of Police, Palwal, to explain as to why the petitioner, who was arrested and remained in the police custody, was not interrogated in the FIR in question particularly when investigating officer in three other FIRs was same. Still further, there is no explanation as to what has happened after 2016.

Keeping in view the facts of the case, it is considered appropriate to direct the petitioner to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bonds and

surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

A photocopy of this order be placed on the file of each connected case.”

On 13.12.2019, following order was passed by this Court in CRM-M-53477-2019, CRM-M-53478-2019, CRM-M-53480-2019, CRM-M-53483-2019, CRM-M-53485-2019, CRM-M-53489-2019, CRM-M-53492-2019, CRM-M-53510-2019, CRM-M-53511-2019, CRM-M-53512-2019, CRM-M-53514-2019, CRM-M-53517-2019, CRM-M-53522-2019, CRM-M-53524-2019, CRM-M-53525-2019, CRM-M-53526-2019, CRM-M-53527-2019, CRM-M-53528-2019, CRM-M-53530-2019, CRM-M-53532-2019, CRM-M-53535-2019, CRM-M-53651-2019 and CRM-M-53675-2019:-

“Learned counsel for the petitioner relies on an order passed by this Court on 9.12.2019 in CRM-M-50712-2019 and other connected cases.

Notice of motion.

On the asking of Court, Mr. Manish Bansal, DAG, Haryana who is present in Court accepts notice on behalf of the State of Haryana and prays for time to seek instructions.

Let a copy of the petition be supplied to the learned counsel for the State during the course of the day.

List alongwith CRM-M-50712-2019 on 18.12.2019.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner

shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

A photocopy of this order be placed on the files of other connected cases.”

On 09.12.2019, after hearing learned counsel for the parties, Superintendent of Police, Palwal, District Palwal was requested to explain as to how the petitioner who had remained in the police custody was not interrogated in the FIR in question particularly when the Investigating Officer in most of the FIRs was the same.

Today, additional reply by way of affidavit of Superintendent of Police, Palwal, District Palwal has been filed.

Learned counsel for the State, on instructions from Inspector Satya Narayan, has submitted that the petitioner has joined investigation, cooperated and not required for further custodial interrogation at this stage.

It is surprising that the FIRs which were registered in the year 2015 have been kept pending investigation for more than 4 years. The conduct of the then Investigating Officer is deprecated.

Keeping in view the facts of the case and particularly the statement made by the learned counsel for the State on instructions from ASI Satya Narayan that the petitioner is not required for further custodial interrogation at this stage, the interim order dated 09.12.2019 passed by this Court in CRM-M-50712-2019, CRM-M-50736-2019, CRM-M-50744-2019, CRM-M-50753-2019 and CRM-M-51038-2019 and the interim order dated 13.12.2019 passed by this Court in CRM-M-53477-2019, CRM-M-53478-2019, CRM-M-53480-2019, CRM-M-53483-2019, CRM-M-53485-2019,

CRM-M-53489-2019, CRM-M-53492-2019, CRM-M-53510-2019, CRM-M-53511-2019, CRM-M-53512-2019, CRM-M-53514-2019, CRM-M-53517-2019, CRM-M-53522-2019, CRM-M-53524-2019, CRM-M-53525-2019, CRM-M-53526-2019, CRM-M-53527-2019, CRM-M-53528-2019, CRM-M-53530-2019, CRM-M-53532-2019, CRM-M-53535-2019, CRM-M-53651-2019 and CRM-M-53675-2019 are made absolute.

Accordingly, all the petitions are allowed.

18.12.2019

Pawan

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned:- **Yes/No**

Whether reportable:- **Yes/No**