

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

CRM-M-5010-2021

Date of decision:-10.2.2021

Vikram Singh @ Dislewa

...Petitioner

Versus

State of Haryana

...Respondent

**CORAM: HON'BLE MR.JUSTICE H.S.MADAAN**

Present: Mr.Kunal Dawar, Advocate  
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

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**H.S. MADAAN, J.**

Case taken up through video conferencing.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner – Vikram Singh @ Dislewa, aged about 34 years, resident of House No.778, Bhajju Ram School Wali Gali, Adarsh Nagar, Ballabgarh, District Faridabad, an accused in FIR No.531 dated 27.11.2020 under Section 25 of Arms Act, 1959, registered with Police Station Adarsh Nagar, Ballabgarh, District Faridabad.

Briefly stated, the facts of the case as per the prosecution

story are that on 27.11.2020, the police received a secret information that one Tinku Singh @ Radhe involved in smuggling of illicit liquor and keeping a weapon with him, was sitting in his plot. A raid was accordingly conducted there and Tinku Singh @ Radhey was arrested. .32 bore country-made pistol was recovered from him. He was interrogated, during the course of which, he disclosed that he and his brother along with one Kapil had been smuggling illicit liquor and his brother Vikram Singh @ Dislewa had purchased three pistols and four country-made firearms for Rs.60,000/- from a person in UP for their protection. In that way, the present petitioner was nominated in this case.

Apprehending his arrest in this case, the present petitioner had approached the Court of Sessions seeking grant of pre-arrest bail by filing an application, which was assigned to learned Additional Sessions Judge, Faridabad. However, his such request was declined by learned Additional Sessions Judge, Faridabad vide order dated 12.1.2021. As such, the present petitioner has approached this Court by way of filing the instant petition asking for the similar relief.

Notice of the petition was issued to respondent – State. Mr.Tanuj Sharma, AAG, Haryana has appeared on behalf of respondent – State and accepts notice on its behalf. He opposes the petition.

I have heard learned counsel for the parties besides going through the records.

Pre arrest bail is a discretionary relief and is to be granted in exceptional cases and not in routine. It is meant to save the innocent persons from harassment and inconvenience and not to screen the culprits

from arrest and custodial interrogation.

The petitioner is said to be involved in seven other criminal cases, which means that he is a habitual criminal. Such type of person is definitely not entitled to relief of pre-arrest bail.

Learned counsel for the petitioner has though contended that relief of pre-arrest bail cannot be denied to a person, who is involved in several other criminal cases and he has referred to judgments *Sridhar Das Versus State, 1998 (2) RCR(Criminal)477*, *Maulana Mohd. Amir Rashadi Versis State of U.P. and another, 2012 (1) RCR(Criminal)586* and *Rakesh Versus State of Haryana, 2010(3) RCR(Criminal)194* in support of that contention. But I find that keeping in view the totality of circumstances, the petitioner is not entitled to grant of pre-arrest bail. The judgments referred to by learned counsel for the petitioner do not find application to the present case due to different facts and circumstances and the context in which such observations have been made.

Furthermore, in a criminal case, there cannot be any binding precedent since facts of each case are different. There are various other reasons for denying pre-arrest bail to the petitioner since his custodial interrogation is necessary to effect the recovery of other firearms said to have been purchased by him from a person in U.P. The information with regard to identity of the person from whom, the firearms had been purchased and details of the persons to whom they had been supplied is also to be found out. In case custodial interrogation of the petitioner is denied to the investigating agency that would leave many loose ends and gaps in the investigation affecting the investigation being carried out

adversely, which is not called for.

Thus the petition is doomed for failure and is dismissed accordingly.

10.2.2021

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**(H.S.MADAAN)**

**JUDGE**

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

**Whether reportable : Yes/No**