

**CRM-M nos.28683; 29453;
29485 and 18510 of 2021**

-1-

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

105/3

**CRM-M-28683 of 2021 (O&M)
Date of Decision:15.12.2021**

Tarun Bateja

..... Petitioners

Versus

State of Haryana and another

..... Respondents

2)

CRM-M-29453 of 2021 (O&M)

Tarun Bateja

..... Petitioners

Versus

State of Haryana and another

..... Respondents

3)

CRM-M-29485 of 2021 (O&M)

Tarun Bateja

..... Petitioners

Versus

State of Haryana and another

..... Respondents

4)

CRM-M-18510 of 2021 (O&M)

Harinder Dhingra

..... Petitioner

Versus

State of Haryana and another

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

**Present: Mr. Karanvir Singh Khehar, Advocate,
for the petitioner in CRM-M-18510 of 2021.**

Mr. Jaivir Yadav, Senior Advocate, with
Mr. Nitish Sharma, Advocate,
for respondent no.3 (in CRM-M-18510 of 2021)

Mr. Munish Sharma, AAG, Haryana

AMOL RATTAN SINGH, J. (ORAL)

**CRM-M nos.28683; 29453; and
29485 of 2021**

Vide these petitions, the petitioner seeks cancellation of bail granted to respondent no.2 in each case, by the court of the learned Addl. Sessions Judge, Gurugram, vide the impugned order dated 25.05.2021, in FIR no.190, dated 10.05.2021, (registered at Police Station DLF Phase-I, Gurugram, alleging therein the commission of offences punishable under Sections 406, 420, 467, 468, 471, 472, 473 and 120-B of the IPC).

An identical reply has been filed to each petition (all dated 03.12.2021), by the DSP, State Crime Branch, Gurugram, from which learned State counsel draws attention to paragraph 7, which reads as follows:-

“7. That the contents of para no.7 of the present petition, it is submitted that the Ld. ASJ, Gurugram has allowed the bail application of the respondent no.2 vide order dated 25.05.2021. At this stage of investigation all accused are co-operating with Special Investigating Team and their custodial interrogation is not required by SIT.”

That being so, though counsel for the petitioner in these three petitions vehemently opposes dismissal of these petitions by submitting that a petition bearing CRM-M-35546 of 2021, titled as Poonam Dhingra and another v.

The State of Haryana and another, has to come up for hearing on 17.01.2022, by which petition the petitioner therein seeks quashing of the FIR in question, however in my opinion, it is completely pointless keeping these petitions pending, all of them being petitions seeking that the orders admitting respondent no.2 in each case, be cancelled/withdrawn, with the investigating agency itself stating that presently at least it does not require their custodial interrogation.

Consequently, without making any comment on the actual merits of the case, these petitions are dismissed, with obviously liberty to the investigating agency to initiate appropriate proceedings in case custodial interrogation of any of the respondents in these petitions is subsequently required.

**CRM-39620 of 2021 in/and
CRM-M-18510 of 2021**

Vide this application, the applicant, S.K.Sharma, seeks to be impleaded as a respondent in the accompanying petition, with it is stated in the application, and reiterated by counsel appearing for him, that “he is an RTI activists and whistle-blower to the crime committed by the petitioner”.

Upon query to learned counsel as to whether the applicant is a complainant in any of the FIRs/complaints registered against the petitioner or his family members, he submits that he is “one of the complainants” in FIR no.190, dated 10.05.2021, registered at Police Station DLF Phase-I, Gurugram, alleging therein the commission of offences punishable under Sections 406, 420, 467, 468, 471, 472, 473 and 120-B of the IPC.

A perusal of that FIR however (Annexure P-1 with CRM-M-28683 of 2021 as has been disposed of hereinabove), shows that the applicants' name is not

mentioned anywhere in the said FIR.

Learned counsel next submits that however this court having referred to the applicant in orders passed since 14.10.2021 in this very petition, he has a right to be heard.

Notice in the application.

Mr. Khehar accepts notice on behalf of the non-applicant-petitioner and vehemently opposes the application on the ground that the applicant not being a complainant in any of the FIRs or complaints in respect of which the petitioner is seeking to be admitted to 'blanket bail', he has no *locus standi* to be a party to the petition.

Having considered the matter, as regards the relief sought by the petitioner, (whether or not this court eventually agrees with him being a separate matter altogether), I would see no reason to actually hear the applicant on that issue, with the State obviously to take its own stand as regards the relief sought by the petitioner, but in view of the fact that the applicant has indeed been referred to extensively in the earlier orders passed by this court, to the extent that he is alleged to have meted out threats as regards the petitioner and his family members as also counsel for the petitioner, on account of which this court had directed that protection be granted to all concerned, (with such protection having been eventually provided), for the limited purpose of stating anything with regard to the observations made by this court in those orders, pertaining to the applicant, the applicant is ordered to be impleaded as respondent no.4 in the accompanying petition, with the amended memo of parties ordered to be taken on record substituting the original memo of parties.

It is to be noticed that learned counsel for the petitioner has submitted that the applicant (now respondent no.4) has been declared to be a proclaimed offender in the context of two FIRs registered in Delhi, with him also submitting that therefore he should not be impleaded as a respondent in the petition.

Without making any comment on the aforesaid contention, in my opinion that would not be ground enough to deny to admit the applicant as a party to the petition, for the limited purpose as has been stated hereinabove by this court.

CRM-M-18510 of 2021

A replication/rejoinder has been filed by the petitioner to the reply filed by respondent no.3, which is ordered to be taken on record, a copy of which has been given to learned counsel for the respondents.

Adjourned to 14.01.2022.

To be listed alongwith CRM-M-35546 of 2021

A copy of this order be also placed on the file of the other connected matters too.

December 15, 2021
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No