

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr.No.102

CRM-M No.28920 of 2021

Date of Decision: 13th August, 2021.

Surinder Singh & Another

...Petitioners

Versus

State of Haryana & Others

...Respondents

(Heard through Video-Conferencing)

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present: Mr. Karan Bhardwaj, Advocate,
for the petitioners.

Mr. Apoorv Garg, DAG, Haryana.

MEENAKSHI I. MEHTA, J. (ORAL)

The petitioners herein seek the indulgence of this Court for the issuance of the direction to respondents No.1 to 3 to protect their lives and liberty and to ensure that they are not implicated in any false case and are not deprived of their liberty and other fundamental rights except in due course of law and also to give them 10 days' notice in case any criminal case is registered against them and they are required to be arrested in connection thereof.

I have heard learned counsel for the petitioners as well as learned State counsel in this petition at the preliminary stage and also have perused the file thoroughly.

Learned counsel for the petitioners contends that the petitioners are required to be given a prior notice by the police authorities before effecting their arrest in any criminal case that may be registered against them. He places reliance upon **Raninder Singh & Anr. vs. State of Punjab & Ors. Civil Writ**.

Petition No.10119 of 2007 decided on 28.05.2008 (P&H)(DB); M/s Bajwa Developers Limited vs. State of Punjab CRM-M No.88 of 2018 Decided on 03.01.2018 (P&H) and Baljit Kaur & Others vs. State of Punjab & Others CRM-M No.38151 of 2012 decided on 19.12.2012(P&H) in support of his contention.

Per contra, learned State counsel argues that a criminal case has been registered at Police Station Baldev Nagar, Ambala, under Section 395 of IPC vide the FIR bearing No.282 dated 10.07.2021 and the petitioners might be required to be joined in the investigation and interrogated also in connection therewith and thus, the petitioners cannot claim the issuance of any prior notice to them before arresting them, as a matter of right. To buttress his arguments, he places reliance upon Gurbaksh Singh Sibbia etc. vs. The State of Punjab 1980(2) SCC 565 and Union of India vs. Padam Narain Aggarwal etc. 2008(4) RCR(Criminal) 665.

As apprised by learned State counsel, a case under Section 395 IPC already stands registered at the above-said Police Station and the petitioners may be required to be joined in the investigation and if there need be, to be interrogated in connection therewith. Moreover, it has been held by Hon'ble the Supreme Court in Gurbaksh Singh Sibbia's case (supra) that the blanket order of anticipatory bail should not be generally passed and these observations have been reiterated by the Apex Court in Union of India's case (supra). In view of the above-discussed observations as made by Hon'ble the Supreme Court, the observations made in Raninder Singh's case (supra); M/s Bajwa Developers Limited's case (supra) and Baljit Kaur's case (supra)

are of no avail to the petitioners for seeking relief as claimed in this petition.

As a sequel to the fore-going discussion, it follows that the present petition deserves dismissal. Resultantly, the same stands dismissed accordingly.

(MEENAKSHI I. MEHTA)
JUDGE

13.08.2021.
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Whether speaking/reasoned?	Yes
Whether Reportable?	No