

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-4277-2022 (O&M)

Date of decision: 08.02.2023

Pankaj Rohilla

... Petitioner

Vs.

State of Haryana

.. Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. S.P.S. Khaira, Advocate for
Mr. Sandeep Chaudhary, Advocate
for the petitioner.

Mr. Pawan Kumar Longia, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this 2nd petition is for grant of anticipatory bail in FIR No.310 dated 18.08.2019 under Sections 406, 420, 511, 120-B IPC and Sections 419, 467, 468, 471 IPC (added later on), registered at Police Station Sushant Lok, District Gurugram; earlier one was dismissed vide order dated 09.07.2021.

While granting interim bail to the petitioner, following order was passed by this Court on 05.09.2022: -

“Reply by way of affidavit of Deputy Superintendent, District Prison, Gurugram, who is present in Court, is taken on record, in

which an explanation is given regarding the pendency of the other cases, which were not reflected in the custody certificate filed previously.

Today, the fresh custody certificate is also filed, reflecting therein number of pending cases against the petitioner.

During the course of arguments and as per the affidavit, it transpires that the petitioner Pankaj Rohilla is involved in two more FIRs i.e. FIR Nos.12 and 13 dated 23.01.2020 in the same Police Station Sushant Lok, Gurugram, where the present FIR No.310 dated 18.08.2019 is already registered and the petitioner is in judicial custody.

A perusal of the order dated 10.12.2020 passed in SLP (Crl.) No.5985 of 2020 filed by the petitioner Pankaj Rohilla reveals that it is and directed that the petitioner will cooperate with the investigation and no coercive steps shall be taken against the petitioner in the meanwhile.

The said SLP is filed against the order dated 03.09.2020 in CRM-M No.23132 of 2020 passed by this Court. In the light of the order of the Hon'ble Supreme Court, it is stated that the petitioner is not arrested in FIR Nos.12 and 13, both registered on 23.01.2020 in same Police Station Sushant Lok, Gurugram whereas in present FIR No.310 dated 18.08.2019 under Sections 406, 420, 511, 120-B IPC, Police Station Sushant Lok, Gurugram, he is in custody.

Perusal of the custody certificate further shows that in the present case, the petitioner is in custody since 14.01.2021, i.e. for a period of 1 year and 7 months, however, despite the fact that the two FIRS No.12 and 13 qua which the Hon'ble Supreme Court has passed the order, no efforts were made by the police authorities to bring it notice to the concerned Illaqa Magistrate that the

petitioner in the present FIR is in judicial custody so as to obtain the production warrants and complete the investigation.

Learned State counsel, on instructions from the Investigating Officer, submits that the investigation in the aforesaid two FIRS is pending awaiting decision in the aforesaid SLP by the Hon'ble Supreme Court.

List again on 27.10.2022.

The Commissioner of Police, Gurugram is directed to file an affidavit and depute a senior official to explain as to why all these facts were not brought to the notice of the Illaqa Magistrate as well as whether this fact that the petitioner is in judicial custody is brought to the notice of the Hon'ble Supreme Court or not?... ”

After hearing learned counsel for the parties, the order dated 05.09.2022, granting interim bail to the petitioner, is hereby made absolute.

Disposed of, accordingly.

[ARVIND SINGH SANGWAN]
JUDGE

08.02.2023
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No