

**CRM-M-43202-2023 and  
CRM-M-47940-2023**

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2023:PHHC:151042

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

**Date of decision : 28.11.2023**

**CRM-M-43202-2023**

**DALJIT SINGH**

**....Petitioner**

**Versus**

**STATE OF HARYANA**

**....Respondent**

**CRM-M-47940-2023**

**SAHAB SINGH**

**....Petitioner**

**Versus**

**STATE OF HARYANA**

**....Respondent**

**CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN**

**Present : Mr. Ashok Giri, Advocate for the petitioners.**

**Mr. Gaurav Bansal, DAG, Haryana.**

**PANKAJ JAIN, J. (ORAL)**

**While issuing notice of motion in both these petitions on  
31.08.2023 and 21.09.2023, the following orders were passed :-**

**in CRM-M-43202-2023**

**Apprehending his arrest in FIR No.597 dated 24.07.2023  
registered for offence punishable under Sections 186, 224, 225,  
332, 353, 120-B, 34 IPC at P.S. City Karnala, District Karnal, the  
petitioner has preferred this petition under Section 438 Cr.P.C.  
seeking pre-arrest bail.**

***Inter alia* submits that petitioner is a 72 years old man who  
can barely walk and has been nominated as accused merely being  
father a bad son.**

Notice of motion

On the asking of the Court, Mr. Gaurav Bansal, DAG,  
Haryana accepts notice on behalf of the respondent-State

Adjourned to 28.11.2023.

In the meantime, in the event of arrest, the petitioner shall  
be released on interim bail subject to his furnishing personal and  
surety bonds to the satisfaction of the Arresting Officer/  
Investigating Officer. As and when called, the petitioner shall join  
the investigation. He shall abide by the conditions enumerated  
under Section 438(2) of the Cr.P.C.”

**in CRM-M-47940-2023**

“Apprehending his arrest in FIR No.597 dated 24.07.2023,  
registered under Sections 186/224/225/332/353/120-B/34 IPC at  
Police Station City Karnal, District Karnal, petitioner seeks pre-  
arrest bail.

Learned counsel for the petitioner inter alia submits that the  
petitioner was granted indulgence by the lower Court and he joined  
investigation too. However, the bail was finally declined only on  
the ground that the main accused have not yet been apprehended.

Notice of motion for 28.11.2023.

On the asking of the Court, Mr. Gaurav Bansal, DAG,  
Haryana appears and accepts notice on behalf of the respondent-  
State.

In the meantime, in the event of arrest, the petitioner shall  
be released on interim bail subject to his furnishing personal and  
surety bonds to the satisfaction of the arresting officer/Investigating  
Officer. As and when called, the petitioner shall join the  
investigation. He shall abide by the conditions enumerated under  
Section 438(2) of the Cr.P.C.

xxxx”

2. State Counsel does not dispute that the petitioners have indeed  
joined investigation but submits that the petitioners are not cooperating as  
they are not disclosing the whereabouts of accused Gurlal Singh.

3. Keeping in view the nature of allegations levelled against the petitioners and the fact that the petitioners are already on record to submit that they disowned the aforesaid Gurlal Singh much prior to the registration of the FIR and co-accused Nirwair Singh @ Nirwair already stands admitted to pre-arrest bail by the Court below, this Court does not find that non-disclosure of the whereabouts of main accused Gurlal Singh, who happens to be related to the present petitioners can be said to be non-operation.

4. In view of above, without commenting on the merits of the case and in view of the aforesaid fact, orders dated 31.08.2023 (in CRM-M-43202-2023) and that dated 21.09.2023 (in CRM-M-47940-2023) are hereby made absolute, subject to the conditions as enumerated under Sections 438(2) Cr.P.C.

5. This order should not be treated as "blanket" order. It will not be read granting the petitioners indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

6. This order does not in any manner limit or restrict the rights or duties of the police or investigating agency to investigate into the charges against the petitioners.

7. The petitioners shall be deemed to be in custody for the purpose of Section 27 of the Evidence Act in regard to a discovery of facts made in pursuance of information supplied by the petitioners in case the occasion arises.

8. It will be open to the police or the investigating agency to move this Court for a direction under Section 439(2) Cr.P.C. to arrest the accused, in the event of violation of any term, such as absconding, non-cooperating during investigation, evasion, intimidation or inducement to witnesses with a view to influence outcome of the investigation or trial.
9. Petitions stand disposed off accordingly.
10. A copy of this order be kept on the file of other connected case.

November 28, 2023  
Dpr

(Pankaj Jain)  
Judge

Whether speaking/reasoned : Yes/No  
Whether reportable : Yes/No