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Sr. No.101

Decided On : September 10, 2024

Indra Pal Singh and another		Petitioners
vs.		
State of Haryana and others		Respondents

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

* * *

Present : Mr. Vinay Gaur, Advocate
for the petitioners.

Mr. Karan Sharma, DAG, Haryana.

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GURBIR SINGH, J. :

1. Prayer in the present petition is for grant of pre-arrest/blanket anticipatory bail to the petitioners, who are having apprehension of arrest on the basis of complaint dated 30.07.2024 (Annexure P-1), moved by respondents no.4 and 5 before the Superintendent of Police, Fatehabad, on the basis of false and frivolous allegations against the petitioners, with the intention to harass, blackmail and malign the dignity of the petitioners.

2. Learned counsel for the petitioners submits that the petitioner are government servants. They received an amount of Rs.2,55,000/- as a friendly loan from respondent no.5. The petitioners gave a cheque of Rs.2,00,000/- to VijayKumar – son of respondent no.4 as security against the loan advanced by respondent no.5. The entire loan amount was repaid to

respondent no.4. Statement of bank account showing the same has been



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annexed as Annexure P-2. The petitioners have also moved a complaint (Annexure P-4) dated 27.08.2024 before the Senior Superintendent of Police, Fatehabad to lodge a FIR against respondents no.4 and 5. The complaint dated 30.07.2024 (Annexure P-1) was given by respondent no.4 to the Superintendent of Police, Fatehabad against the petitioners on the basis of false and frivolous allegations. The petitioners apprehend that they would be arrested on the basis of said complaint. In support of his contentions, learned counsel for the petitioners has placed reliance on the case titled as **K. Dayanand Rao and Ors. vs. State of A. P.** reported as **1992 (3) ALT 21** and also on a judgment of Hon'ble Supreme Court passed in case of **Gurbaksh Singh Sibbia etc. vs. The State of Punjab** reported as **1980 AIR (Supreme Court) 1632.**

3. Notice of motion to the official respondents i.e. respondents no.1 to 3 only.

4. Pursuant to receipt of advance notice, Mr. Karan Sharma, DAG, Haryana is present to assist the Court. He has submitted that inquiry in the matter is being conducted. Notices have been issued to the petitioners but they failed to appear. Even in the notices, it was mentioned that they would not be arrested and they may also appear through video conferencing.

5. Learned counsel for the petitioners submits that the petitioners would join inquiry and he would be satisfied if advance notice is given to the petitioners, in case of their arrest on registration of FIR against them, on the basis of complaint (Annexure P-1).

6. In view of the above, without discussing the merits of the case, the

present petition is disposed of with the direction to the official respondents that in case, FIR is registered on the basis of complaint dated 30.07.2024 (Annexure P-1) against the petitioners, then five days’ advance notice be given to the petitioners before their arrest.

7. Pending applications, if any, shall stand disposed of along with this judgment.

September 10, 2024
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(GURBIR SINGH)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.