



213/3 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-19384-2024
Date of Decision:20.01.2025

Vijay Kumar Singh ...Petitioner

Vs.

State of Haryana ...Respondent

(ii) CRM-M-20090-2024

Gopi Chand Chaudhary ...Petitioner

Vs.

State of Haryana ...Respondent

(iii) CRM-M-20093-2024

Gopi Chand Chaudhary ...Petitioner

Vs.

State of Haryana ...Respondent

Coram : Hon’ble Mr. Justice N.S.Shekhawat

Present: Mr. Aditya Sanghi, Advocate with
Mr. Sandeep Vashisht, Advocate
for the petitioner in CRM-M-19384-2024.

Mr. Rishabh Chaudhary, Advocate for
Mr. Aman Pal, Advocate
for the petitioner in CRM-M-20090-2024 and
CRM-M-20093-2024.

Ms. Sheenu Sura, Deputy Advocate General, Haryana.

N.S.Shekhawat J.(Oral)

1. This order shall dispose off three bail petitions i.e
CRM-M-19384-2024 titled as “*Vijay Kumar Singh Vs. State of Haryana*”,
CRM-M-20090-2024 titled as “*Gopi Chand Chaudhary Vs. State of Haryana*”
and CRM-M-20093-2024 titled as “*Gopi Chand Chaudhary Vs. State of*



Haryana , whereby the petitioners have prayed for anticipatory bail in a case, which was registered around nine years ago.

2. The petitioners were granted the concession of interim anticipatory bail by this Court and they were ordered to be released on interim anticipatory bail to the satisfaction of Arresting/Investigating Officer subject to the conditions provided under Section 482 (2) of B.N.S.S.

3. On 10th May, 2024, this Court had passed the following order and the same has been reproduced below:-

The petitioners have filed the present petitions with a prayer to grant them pre-arrest bail in a FIR, which was registered around 08 years ago. Now after a period of 08 years, the police wanted to arrest the present petitioners and this Court has observed that there cannot be possibly any lawful justification for pendency of the investigation for the last several years.

Consequently, the Superintendent of Police, Sirsa was directed to file his personal affidavit explaining the reasons for delay in conducting the investigation in the present cases. He was also directed to indicate the evidence, which has now been collected by the police warranting the arrest of the accused in the present cases. Even, the Superintendent of Police, Sirsa was directed to file list of all cases in each police station of Sirsa District, where the investigation is pending for the last more than 03 years and was also directed to explain the reasons for delay in conducting the investigation in each of such cases.

In purported compliance of the order dated 22.04.2024, an affidavit dated 05.05.2024 has filed by State of Haryana and the same is taken on record in CRM-M-19384-2024.

From a perusal of the said affidavit, it is apparent that the Senior Superintendent of Police, Sirsa has not referred to any

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evidence, which has been collected by the police warranting the arrest of the accused in the present case. Even no reasons have been mentioned, which would explain the delay in conducting the investigation in the present case. It has been simply stated that the case was registered in the present case in CRM-M-19384-2024 on 30.07.2016 and after 05 years of investigation, an untrace report was prepared by the police on 06.07.2021. The Superintendent of Police, Sirsa has failed to mention any evidence, which has been collected by the police in the present case after 06.07.2021, on the basis of which the present petitioner is sought to be arrested by the police. Apart from that, even from the perusal of list of cases Annexure R-1, it is evident that the investigation of various criminal cases has not been monitored by the higher police officers in District Sirsa for the last several years. It has been mentioned in Annexure R-1 that different criminal cases were registered against various accused in the last 03 years, however, the accused have not been arrested. Even in several cases, the arrest of accused is pending for the last several years, despite that they have not been declared as proclaimed persons/proclaimed offenders in those criminal cases. Still further, it is apparent from Annexure R-1 that in several cases, the FSL report is awaited for the last 05/06 years, which is highly unbelievable. It is also apparent from Annexure R-1 that in a case FIR No.260 dated 16.04.2020 under Section 420 of IPC, Police Station City Sirsa, the police has not been able to collect the record from the Registrar of Co-operative Department, Delhi for the last more than 03 years. Even, in FIR No.56 dated 24.01.2019 under Sections 420,467,468,471,120-B of IPC, Police Station City Sirsa, it has been shown that the result of the FSL is pending for the last more than 05 years, which is hard belief. Still further, various other explanations have been offered in the cases mentioned in Annexure R-1, which completely shown that there was nexus between the Investigating Officer and the persons, who



were nominated as an accused in those cases. Even, the reasons mentioned by the police for delay in conducting the investigation is highly unsatisfactory.

Still further, this Court had taken very serious view of the matter on the last date of hearing, but surprisingly, no police official is present in the Court today to assist the learned State counsel. This clearly shows that the concerned officials shown scant regard for the orders passed by this Court.

Consequently, the Superintendent of Police, Sirsa is directed to remain present in the Court on the next date of hearing.

4. After passing of the said order, various status reports have been taken on record reflecting the progress in the investigation of the cases, where the investigation was pending for the last more than three years. Ultimately, on 02.12.2024, this Court had passed the following order and the same has been reproduced below:-

Status report (in CRM-M-19384-2024) by way of an affidavit of Vikrant Bhushan, IPS, Superintendent of Police, Sirsa has been filed by learned State counsel in Court today and the same is taken on record.

Learned State counsel submits that in 12 cases in District Sirsa, the investigation is pending for the last more than three years. She has further assured the Court that every attempt shall be made to conclude the investigation at the earliest and the accused, who have not been arrested for a reasonable time period, shall be declared proclaimed offender/proclaimed persons and the process shall be initiated in that regard.

The State counsel is directed to file a fresh status report on or before the next date of hearing.

5. Today, during the course of hearing, a status report by way of an



affidavit of Superintendent of Police, Sirsa has been filed and the same is taken on record.

6. Learned State counsel on instructions from Subhash Chand, DSP, HQ submits that out of 12 cases referred in the order dated 02.12.2024 passed by this Court, the challan has been prepared in five criminal cases and the same shall be presented before the competent Court within a period of 04 weeks from today. She has further assured the Court that in the remaining seven cases, every effort is being made to arrest the accused and P.O proceedings have been initiated against the accused, who are yet to be arrested. She further submits that the even in those cases, the investigation shall be carried out fairly and impartially by District Police, Sirsa.

7. Learned State counsel submits that the petitioners have joined the investigation and are no longer required for further investigation.

8. In view of the above statement, the interim order dated 27.08.2024 is made absolute. The petitioners shall continue to join the investigation, as and when called by the Investigating Officer. The petitionrs shall also abide by the conditions as specified under Section 482 (2) of B.N.S.S/438(2) of Cr.P.C.

20.01.2025
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(N.S.SHEKHAWAT)
JUDGE

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