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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

278 CRM-M-34834-2021
Date of Decision : 16.01.2025

SUKHPREET SINGH DHALI WAL @ BUDHA
.... PETITIONER

V/S

UNION OF INDIA AND OTHERS RESPONDENTS

2. CRM-M-48944-2021

SUKHPREET SINGH DHALI WAL @ BUDHA
.... PETITIONER

V/S

UNION OF INDIA AND OTHERS RESPONDENTS

3. CRM-M-48947-2021

SUKHPREET SINGH DHALI WAL @ BUDHA
.... PETITIONER

V/S

UNION OF INDIA AND OTHERS RESPONDENTS

4. CRM-M-48949-2021

SUKHPREET SINGH DHALI WAL @ BUDHA
.... PETITIONER

V/S

UNION OF INDIA AND OTHERS RESPONDENTS

5. CRM-M-48973-2021

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SUKHPREET SINGH DHALI WAL @ BUDHA

.... PETITIONER

V/S

UNION OF INDIA AND OTHERS

.... RESPONDENTS

6. CRM-M-48975-2021

SUKHPREET SINGH DHALI WAL @ BUDHA

.... PETITIONER

V/S

UNION OF INDIA AND OTHERS

.... RESPONDENTS

7. CRM-M-48981-2021

SUKHPREET SINGH DHALI WAL @ BUDHA

.... PETITIONER

V/S

UNION OF INDIA AND OTHERS

.... RESPONDENTS

8. CRM-M-49012-2021

SUKHPREET SINGH DHALI WAL @ BUDHA

.... PETITIONER

V/S

UNION OF INDIA AND OTHERS

.... RESPONDENTS

9. CRM-M-49014-2021

SUKHPREET SINGH DHALI WAL @ BUDHA

.... PETITIONER

V/S

UNION OF INDIA AND OTHERS

.... RESPONDENTS

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10.

CRM-M-49016-2021

SUKHPREET SINGH DHALI WAL @ BUDHA

.... PETITIONER

V/S

UNION OF INDIA AND OTHERS

.... RESPONDENTS
11.

CRM-M-49017-2021

SUKHPREET SINGH DHALI WAL @ BUDHA

.... PETITIONER

V/S

UNION OF INDIA AND OTHERS

.... RESPONDENTS
12.

CRM-M-49018-2021

SUKHPREET SINGH DHALI WAL @ BUDHA

.... PETITIONER

V/S

UNION OF INDIA AND OTHERS

.... RESPONDENTS
13.

CRM-M-49021-2021

SUKHPREET SINGH DHALI WAL @ BUDHA

.... PETITIONER

V/S

UNION OF INDIA AND OTHERS

.... RESPONDENTS

CORAM : HON'BLE MR. JUSTICE HARPREET SINGH BRAR

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for the petitioner.

Mr. Satya Pal Jain, Solicitor General of India with
Mr. Sahil Garg, Advocate
for the respondent-UOI.

Mr. Nitesh Sharma, DAG, Punjab.

HARPREET SINGH BRAR, J. (Oral)

1. In all the 13 cases, similar controversy has been raised and all are decided by this common order. However, the facts are borrowed from CRM-M-34834-2021.
2. Learned counsel for the petitioner submits that the petitioner was extradited to India only for the offence disclosed in FIR No.64 dated 14.04.2018 registered at Police Station Phase-I, SAS Nagar, Mohali. Moreover, upon the request for extradition made by the jurisdictional police authorities of District SAS Nagar, Punjab, the appropriate Armenian authority, after receiving the request, issued an order of detention (Annexure P-4). Learned counsel for the petitioner refers to the said order, submitting that it was passed to detain the petitioner for the purpose of extradition in accordance with the prescribed legal procedure. Subsequently, an order was issued upon examination of the motion for the petitioner's detention for extradition. This order also records an assurance provided by the Ministry of External Affairs, Government of India, that the maximum punishment imposable on the petitioner would be life imprisonment. Accordingly, the petitioner can rightly invoke the provisions of Section 21 of the Extradition Act, 1963.

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3. It is further submitted that this assurance regarding the maximum punishment emanates from the established diplomatic relations between India and Armenia, thereby binding the Union of India and Punjab Police to honour the same. It is undisputed that the petitioner was detained by the Armenian authorities pursuant to a formal request made by the competent authorities in India. The learned counsel for the petitioner argues that the intention of Indian authorities to extradite him is evident from their request, rendering them bound by the provisions of Section 21 of the Extradition Act. The subsequent arrest of the petitioner by the Punjab Police upon his arrival at Indira Gandhi International Airport, New Delhi, does not, it is contended, negate the application of Section 21 or the obligations arising from the extradition treaty and diplomatic commitments between the two nations. To buttress his arguments, he relies upon the judgment of the Hon'ble Apex Court in ***Daya Singh Lahoria vs. Union of India and others (2001) 4 SCC 516***. As such, keeping in view of the law laid down in ***Daya Singh Lahoria (supra)*** and the provisions of Section 21 of the Extradition Act, the petitioner can only be tried for offences disclosed in FIR No.64 (supra) since any fugitive brought into this country under an extradition decree can only be tried for the offences mentioned in the same and the criminal Courts of India will have no jurisdiction to try the petitioner for any other offence.

4. Per contra, Learned counsel representing the Union of India submits that the reliance on the judgment in ***Daya Singh Lahoria (supra)*** is totally misplaced and submits that the affidavit dated

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this Court. He refers to Annexure R-2, a decision by the Ministry of Foreign Affairs of the Republic of Armenia, which states that he was not extradited but released upon completing his detention period. Furthermore, learned counsel refers to the affidavit dated 01.02.2021 and perusal thereof indicates that the petitioner was arrested on his arrival at Indira Gandhi International Airport, New Delhi, on 22.11.2021. Additionally, learned counsel for the State of Punjab submits that the petitioner is a notorious gangster operating an extortion racket and is involved in more than 20 cases. The affidavit filed by the Union of India provides a detailed factual account, asserting that the petitioner secured an interim order, from this Court, in his favor by amplifying wrong facts.

5. Having heard learned counsel for the parties and upon perusal of the record, it transpires that the petitioner was detained on 13.08.2019 at 08:38 PM. As per the decision dated 16.08.2019 of the jurisdictional court in Yerevan, the petitioner was temporarily detained for 30 days. An extradition request was received through diplomatic channels on 03.09.2019, and proceedings were initiated, leading to an order of detention for two months commencing on 21.09.2019. The record reveals that although an extradition request was made, no decree for the extradition of the petitioner was issued by the competent authorities in Armenia. Further, Annexure R-2, which is a communication dated 01.11.2024 from the Ministry of Foreign Affairs of the Republic of Armenia, indicates that upon the expiry of the detention period for extradition purposes on 22.11.2019, the petitioner

was released from their custody and he subsequently departed from

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Armenia on the same day. The affidavit filed by the Deputy Secretary (Extradition), Ministry of External Affairs, dated 01.12.2021, confirms that the petitioner was afterwards arrested upon his arrival at Indira Gandhi International Airport, New Delhi, on 22.11.2021. It is thus evident that the petitioner was released by the Armenian authorities upon the expiry of the detention period and was arrested in India two years later upon his arrival. Since the petitioner was never extradited to India by the Union of India and entered the country of his own volition, the rigors of Section 21 of the Extradition Act, 1962, do not come to his aid. Consequently, the petitioner's reliance on the judgment rendered in *Daya Singh Lahoria (supra)* is also entirely misplaced.

6. In view of the aforementioned factual position, no further directions are required to be passed in the present petitions being devoid of any merit. Accordingly, all the petitions mentioned above are dismissed. However, it is made clear that the stay on further proceedings in the case stemming from FIR bearing no. 194 dated 14.01.2017 registered at Police Station Nihal Singh Wala, District Moga, imposed by this Court vide order dated 26.08.2021, shall stand vacated. The jurisdictional police authorities are directed to conclude the investigation in this FIR as well as the FIRs in all connected matters expeditiously, in case the same is pending.

7. Pending miscellaneous application(s), if any, shall also stand disposed of.

16.01.2025
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(HARPREET SINGH BRAR)
JUDGE