



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

204

Date of decision: 04.07.2025

CRM-M No.21910 of 2025

Malkiat Singh and another

....Petitioners

Versus

State of Haryana

....Respondent

CRM-M No.24097 of 2025

Parkash Singh

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. A.P.S. Sandhu, Advocate
and Mr. Ashish Kaushik, Advocate
for the petitioner(s).

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. Sumit Jain, Advocate
for the complainant.

HARPREET SINGH BRAR J. (Oral)

1. Vide this common order, I intend to dispose of CRM-M Nos.21910 and 24097 of 2025, as common questions of law and facts are involved for adjudication. For the sake of convenience, facts are taken from CRM-M-21910-2025.

2. Prayer in both these petitions filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of anticipatory bail to the petitioner(s) in case FIR No.118 dated 25.02.2025 under



Section 304 of BNS (Sections 140(1)/351(3)/126(2)/309(6)/308(4) of BNS and Sections 25/54/59 of Arms Act added later on) registered at Police Station Shahabad, District Kurukshetra.

3. On 25.04.2025, the following order was passed (in CRM-M-21910-2025):-

“XX XX XX XX

Learned counsel for the petitioners, inter alia, contends that the petitioners are not named in the FIR (supra). After co-accused Hardeep Singh was arrested, he named one Parkash, who further made disclosure statement, in which name of the petitioners surfaced. Further, the disclosure statements made by co-accused make it clear that co-accused Hardeep Singh and Parkash are the main accused. The petitioners are having clean antecedents and they are not involved in any other case.

Notice of motion for 23.05.2025.

*Keeping in view the ratio of law enunciated by the Hon’ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833**, the petitioners are directed to appear before Investigating Officer within a period of two weeks from today and thereafter, as directed by the Investigating Officer. In the event of arrest, the petitioners will be admitted to interim anticipatory bail on furnishing bail/surety bonds to the satisfaction of Investigating/Arresting Officer. The petitioners will cooperate with the investigation/Arresting Officer and abide by the conditions as provided under Section 482(2)*



of BNSS (erstwhile Section 438(2) of the Code of Criminal Procedure, 1973).

If the Arresting Officer does not permit the petitioners to join the investigation, they would appear before learned Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioners in the investigation, in terms of the order of this Court.

Nothing observed hereinabove shall be construed as an expression of opinion by this Court and learned trial Court shall decide the case on its own merits, strictly in accordance with law.”

4. Similarly, on 05.05.2025, the following order was passed by this Court (in CRM-M-24097-2025)

“XX XX XX XX

Learned counsel for the petitioner, inter alia, contends that the petitioner is not named in the FIR (supra). After arrest of co-accused Hardeep Singh, his disclosure statement was recorded during the custodial interrogation, in which name of the petitioner surfaced as one of the accused. It is further contended that any disclosure statement made by co-accused in police custody has no evidentiary value in the eyes of law, as the same is hit by Section 25 of Indian Evidence Act, 1872 (now Section 23(1)(2) of Bharatiya Sakshya Adhiniyam, 2023). Apart from the aforementioned disclosure statement made by co-accused, there is no concrete evidence against the petitioner. The petitioner he is not involved in any other case and is having clean antecedents. Further, similarly situated co-accused, namely Malkiat Singh and Gurwinder Singh, have already been granted the concession of ad interim anticipatory bail by this Court vide order dated 25.04.2025 passed in CRM-M- 1910-2025 (Annexure P-3).

Notice of motion.



Ms. Geeta Sharma, DAG, Haryana, who is present in the Court, accepts notice on behalf of the respondent-State and Mr. Sumit Jain, Advocate, assisted by Mr. Dushyant Rana, Advocate, appears on behalf of the complainant and files Memo of Appearance in the Court today, which is taken on record. Registry is directed to tag the same at the appropriate place of the case file.

Learned counsel for the complainant vehemently opposes the prayer for grant of anticipatory bail to the petitioner on the ground that the petitioner is rather complicit in the alleged crime. As per call details record and tower location, the petitioner was found to be present near the airport. He was following the complainant and was in touch with main accused, who is based in Italy. Further, Rs.4.50 lakhs have been transferred in the account of the petitioner to execute the orders of the person sitting abroad.

Adjourned to 23.05.2025.

*To be listed along with **CRM-M- 1910-2025**. Keeping in view the ratio of law enunciated by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833**, the petitioner is directed to appear before Investigating Officer within a period of two weeks from today and thereafter, as directed by the Investigating Officer. In the event of arrest, the petitioner will be admitted to interim anticipatory bail on furnishing bail/surety bonds to the satisfaction of Investigating/Arresting Officer. The petitioner shall*



cooperate with the investigation/Arresting Officer and abide by the conditions as provided under Section 482(2) of BNSS (erstwhile Section 438(2) of the Code of Criminal Procedure, 1973).

If the Arresting Officer does not permit the petitioner to join the investigation, he would appear before learned Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioner in the investigation, in terms of the order of this Court.

Nothing observed hereinabove shall be construed as an expression of opinion by this Court and learned trial Court shall decide the case on its own merits, strictly in accordance with law.”

5. On 23.05.2025, learned State counsel informed this Court that the petitioners had joined the investigation but were not cooperating, as certain articles were yet to be recovered from them. As such, the petitioners were again directed to join the investigation.

6. Today learned State counsel submits that although the petitioners have joined the investigation for the second time, however, they are still not cooperating as the car allegedly used in the crime and mobile phones have not yet been recovered.

7. Learned counsel for the complainant has again reiterated the allegations that there is a CCTV footage in which the car of the petitioner(s) was seen following the car of the complainant and the petitioners have also acted at the behest of an individual based in Italy, who has paid Rs.4.50 lacs to the petitioners for eliminating the complainant.

8. Learned counsel for the petitioner(s) seriously disputes



these submissions made by learned counsel for the complainant and submits that there is no CCTV footage with regard to the complainant having been beaten up by the petitioners. It is also highly improbable that the petitioner(s), who were five in number would allow the complainant to escape unscathed. Moreover, there is no credible evidence to suggest that a sum of Rs.4.50 lakhs was ever credited to the bank accounts of the petitioner(s).

9. Learned counsel for the petitioner(s) further submits that the petitioner(s) were present near the airport and the petitioner(s) have plausible and bona fide explanation with regard to their presence at the airport. Further, there is no material either in the shape of MLR to corroborate the allegations made by the complainant in the FIR (supra), apart from the disclosure statement of co-accused made during his custodial interrogation. The Investigating Officer, under the guise of associating the petitioner(s) with the investigation, is attempting to elicit a confession from them. Learned counsel for the petitioner(s) further submits that upon conclusion of the investigation, the challan/final report submitted under Section 173 Cr.P.C. (now Section 193 of BNSS) has been presented before the jurisdictional Court, however, the same does not contain any material supporting the allegations made by the learned counsel for the complainant before this Court. Moreover, the allegations of snatching of gold chain and mobile phone are false and fabricated. The petitioner(s) are having clean antecedents and strong roots in the society.

10. Having heard learned counsel for the parties and after



perusing the record of the case, it remains undisputed that the petitioner(s) have joined the investigation twice. The investigating officer who is present in the Court could not answer the pointed query made by this Court regarding any recovery effected from the co-accused during his police remand. Further, he could not produce the remand papers or the grounds taken for obtaining the remand of the co-accused who were arrested by the Investigating Officer. Accordingly, the order dated 05.05.2025 as well as the order dated 25.04.2025, are hereby made absolute. The petitioner(s) shall abide by the terms and conditions envisaged under Section 482(2) of BNSS (earlier Section 438(2) Cr.P.C.).

- 11. Both the petition stands disposed of.
- 12. A photocopy of this order be placed on the file of other connected case.

(HARPREET SINGH BRAR)
JUDGE

04.07.2025
yakub

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