IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(266)

CRM-M-33565-2024 (O & M)
Date of decision: 06.08.2025

Vinod Kumar ..... Petitioner

V/s

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Krishan Singh, Advocate,
for the petitioner.

Mr. Vipul Sherwal, AAG, Haryana.

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JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 482 Cr.P.C. is for quashing of the impugned order dated 24.04.2024 (Annexure P-4) whereby the application (Annexure P-2) filed by the petitioner for computing the period of custody w.e.f. August 2014 upto date in FIR No.21 dated 16.01.2004 under Sections 302, 307, 148, 149, 323, 324 IPC registered at Police Station Sarai Khawaja has been dismissed.

2. The brief facts of the case are that the petitioner was arrested in FIR No.21 dated 16.01.2004 under Sections 302, 307, 148, 149, 323, 324 IPC, Police Station Sarai Khawaja. Later, FIR No.32 dated 07.02.2005 under Sections 223, 224, 216 IPC was registered against the petitioner at

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Police Station Central Faridabad. Thereafter, the petitioner was arrested by the Rajasthan Police in FIR No.162 dated 07.05.2014 under Sections 302, 34, 120B IPC and Section 25-54-59 of the Arms Act, registered at Police Station Bhiwadi, Phase-3, Alwar, Rajasthan in August 2014 and on his arrest, he was also shown to be arrested in FIR No.32 dated 07.02.2005 w.e.f. 18.02.2015.

3. In the Trial emanating out of FIR No.32 dated 07.02.2005, he came to be convicted and sentenced to the period of imprisonment already undergone by him.

4. It is the case of the petitioner that despite making numerous representation and applications to the authorities to the effect that his arrest be also shown in FIR No.21 dated 16.01.2004 but no action was taken by the authorities. Subsequently, he moved an application before the Trial Court which came to be dismissed vide the impugned order dated 24.04.2024 (Annexure P-4) which is under challenge in the present petition.

5. The learned counsel for the State contends that, though, the petitioner was arrested in FIR No.162 dated 07.05.2014, he was never taken on production warrants in FIR No.21 dated 16.01.2004 and therefore, he could not have been treated to be in custody in FIR No.21 dated 16.01.2004 while he was in custody in FIR No.162 dated 07.05.2014. Thus, the present petition is liable to be dismissed.

6. I have heard the learned counsel for the parties.

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7. The contention of the petitioner is that his custody may be computed from the date of information given by SHO, Police Station Bhiwadi, Phase II to SHO, Police Station Sarai Khawaja. However, this argument of the petitioner cannot be accepted. The custody of the accused-petitioner in FIR No.21 dated 16.01.2004 cannot be computed w.e.f. August 2014 unless the accused was detained by the concerned SHO/IO of Police Station Sarai. The petitioner remained in judicial custody in FIR No.162 dated 07.05.2014, Police Station Bhiwadi, Phase II, Alwar for the last more than 09 years in Central Jail, Alwar and the SHO/IO, Police Station Sarai Khawaja had failed to act upon the letter issued by the SHO, Police Station Bhiwadi, Phase II. The petitioner, through his Advocate also did not move any application before the Courts at Faridabad to surrender in FIR No.21 dated 16.01.2004. Therefore, the petitioner was not formally arrested by the SHO/IO, Police Station Sarai Khawaja. Hence, his custody cannot be computed w.e.f. August 2014 in FIR No.21 dated 16.01.2004.

8. In view of the above discussion, I do not find any merit in the present petition and the same stands dismissed.

9. The pending application(s), if any, shall stand disposed of accordingly.

August 06, 2025 **(JASJIT SINGH BEDI)**
sukhpreet **JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

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