



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

101

CRM-M-23112-2024
Date of decision: 23.04.2026

SUKHDEV SINGHPetitioner

VERSUS

STATE OF PUNJABRespondent

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. P.S. Ahluwalia, Senior Advocate with
Mr. Keerat Dhillon, Advocate and
Ms. Simerpreet Sekhon, Advocate
for the petitioner.

Mr. Mohit Kapoor, Senior DAG, Punjab.

VINOD S. BHARDWAJ, J. (Oral)

The present petition has been filed under Section 482 of the BNSS, 2023 for grant of pre-arrest bail to the petitioner in case bearing FIR No.1 dated 21.02.2023, under Sections 406, 420, 465, 467, 468, 471, 384, 120-B of the Indian Penal Code, 1860 registered at Police Station Punjab State Crime Police Station SAS Nagar, District Crime Wing.

2. When the matter came up for hearing on 09.05.2024, the following order was passed:-

“The prayer in the petition under Section 438 Cr.PC is for grant of anticipatory bail to the petitioner in case

FIR No.1 dated 21.02.2023 under Sections 406, 420, 465, 467, 468, 471, 384, 120-B registered at Police Station Punjab State Crime Police Station SAS Nagar, District Crime Wing.

The Counsel for the petitioner contends that the petitioner is in custody from the year 2016 in FIR No.RCBD-1/2014/E/004 CBI Case No.23/2021 under Sections 420 and 120-B IPC P.S. CBI, New Delhi. The instant FIR came to be registered on 21.02.2023 and till date the custody of the petitioner has not been sought in the instant case by the investigating agency. He further contends that the issue as to whether an anticipatory bail petition is maintainable on behalf of an accused who is in custody in another case is pending before the Apex Court in Dhanra Aswani Vs. Amar S. Mulchandani & Anr. SLP(Criminal) Diary No.51276/2023.

Notice of motion for 08.07.2024.

In the meantime, the arrest of the petitioner is stayed awaiting the decision of the Hon'ble Supreme Court.

3. Learned Senior Counsel appearing on behalf of the petitioner contends that a three judges Bench has now held that anticipatory bail petition would be maintainable on behalf of an accused, who is already in custody in another case. He contends that the respondent-State has also filed the status report by way of affidavit of Slamudin, Deputy Superintendent of Police, Economic Offences Wing, Vigilance Bureau, Punjab, Member of Special Investigation Team, Punjab. The relevant extract thereof reads thus:-

“Subsequently, Special Investigation Team had examined the accused/petitioner at Central Jail Jaipur on 29.04.2024, after taking necessary permission from Addl. Chief Metropolitan Magistrate No. 02 at Jaipur, Rajasthan. Base on on record, a chargesheet against accused/petitioner has been submitted in trial Court on available evidences on 17.05.2024.

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On the basis of evidence on record a chargesheet under section 173 (2) Cr.P.C. and two supplementary chargesheets under section 173(8) Cr.P.C. have already been submitted against arrested accused persons and without arrest against accused/petitioner Sukhdev Singh in the Court of competent jurisdiction.

4. It is thus vehemently contended that the investigation in the case is already complete and even the final report has been filed against the petitioner, hence, custodial detention of the petitioner is not warranted in the present case.

5. Learned Counsel appearing on behalf of the respondent-State contends that the matter has been assigned to Mr. Karunesh Kaushal who is stated to be on leave till 28.04.2026 (Tuesday). He has, however, been confronted with the order dated 27.02.2026 passed by this Court wherein it was specifically ordered that no further adjournment shall be granted in the matter.

6. Notwithstanding the same, even on the last date of hearing, the Law Officer, to whom the present case has been assigned, did not come to the Court. The present petition for grant of anticipatory bail has been pending for a period of two years. There is no reason why the matter ought to be continuously adjourned awaiting appearance of the Counsel to whom the case has been assigned by the office of the Advocate General.

7. In any case, the Status report has been gone through with the assistance of the learned Deputy Advocate General, Punjab attached with this Court. He is not in a position to dispute the averments as contained in

the said status report specifically to the effect that the investigation in the case is already complete.

8. Under the given circumstances, I find no reason to keep the present petition pending.

9. The present petition is allowed and the petitioner is directed to join investigation as and when required by the Investigating Agency. In the event of petitioner joining investigation, he shall be admitted to interim bail by the arresting officer/investigating officer on furnishing of bail bonds by him to the satisfaction of the arresting officer/investigating officer. The petitioner shall also abide by the conditions as specified under Section 482 of the BNSS, 2023.

APRIL 23, 2026
Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No