

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CRIMINAL) Diary No. 1920/2025

[Arising out of impugned final judgment and order dated 30-09-2024 in CRMM No. 48729/2024 passed by the High Court of Punjab & Haryana at Chandigarh]

PARTEEK ARORA @ PARTEEK JUNEJA

Petitioner(s)

VERSUS

STATE OF PUNJAB

Respondent(s)

(IA No. 18799/2025 - CONDONATION OF DELAY IN FILING and IA No. 18791/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No. 18793/2025 - EXEMPTION FROM FILING O.T. and IA No. 18798/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

Date : 22-01-2025 This matter was called on for hearing today.

**CORAM : HON'BLE MR. JUSTICE J.K. MAHESHWARI
HON'BLE MR. JUSTICE ARAVIND KUMAR**

**For Petitioner(s) : Ms. Divya Gulati, Adv.
Mr. Sachin Saini, AOR**

For Respondent(s) :

**UPON hearing the counsel the Court made the following
O R D E R**

- 1) Seeking pre-arrest bail and challenging impugned order dated 30.09.2024 passed in second anticipatory bail petition(CRMM 48729/2024) filed by the petitioner before the High Court, the present special leave petition is filed.
- 2) We have perused the documents placed before us and heard learned counsel for the petitioner at length.
- 3) On perusal, we find that the High Court dismissed

CRMM-48729/2024-the second anticipatory bail petition filed by the petitioner, as withdrawn, after hearing arguments at length, with the following observations:

“After arguing at length, learned counsel for the petitioner wishes to withdraw the instant petition, at this stage.
Dismissed as withdrawn, at this stage.”

4) Thereafter, CRM 41840/2024 was filed in CRMM-48729/2024 after its disposal. On the said application, the High Court took a stringent view and as per order dated 11.12.2024 directed as under:

“The FIR in the present case was registered on 25.06.2023. Thereafter for more than 01 year, no action was taken against the accused. Thereafter, the police started raising the house of the petitioner and apprehending his arrest, he had filed the anticipatory bail petition before this Court. However, this Court was not inclined to grant the concession of anticipatory bail to the petitioner and the same was withdrawn on 30.09.2024. Now a period of almost 03 months has elapsed but no steps have been taken by the police either to arrest the accused or to declare him a proclaimed offender. This clearly shows that the officials of the local police have colluded with the accused in the present case.

A status report of the investigation may be filed on or before the next date of hearing by way of personal affidavit of the Commissioner of Police, Amritsar.

The concerned Deputy Commissioner of Police, Amritsar is directed to remain personally present in the Court on the next date of hearing.

List on 19.12.2024.

A copy of this order may be given to learned State counsel under the signatures of Bench Secretary.”

5) Thereafter during pendency of CRM-41840/2024 in disposed of CRMM 48729/2024, the present special leave petition was presented/filed on 10.01.2025 challenging the impugned order dated 30.09.2024 in CRMM-48729/2024.

6) On filing of CRM 41840/2024, the case was listed before the High Court; however, on the request of the counsel for the petitioner, it was adjourned to 20.01.2025. Later, on 20.01.2025, the said CRM 41840/2024 was withdrawn and now the petitioner wishes to press this special leave petition which is filed against the impugned order dated 30.09.2024 in CRMM-48729/2024.

7) Learned counsel has vehemently argued that impugned order has been passed without affording an opportunity to the petitioner by the High Court on the second application for anticipatory bail.

8) After perusal of the aforesaid material, it is clear that when the second application for anticipatory bail was listed on 30.09.2024, it was argued at length and thereafter, the counsel for the petitioner withdrew the said anticipatory bail petition. Later, they filed CRM 41840/2024 in the said disposed of anticipatory bail petition in which the Court had clarified on 11.12.2024 that when the Court was not inclined to grant concession of anticipatory bail, at that time, the second bail petition was dismissed as withdrawn. The Court further went on to

observe that the police is sitting tight over the matter and not taking any action to arrest the accused despite rejection of the anticipatory bail, up to the period of three months and a direction was issued to the Commissioner of Police, Amritsar, to file an affidavit with regard to the status of investigation, and further direction was issued to the Deputy Commissioner of Police, Amritsar, to remain personally present on 19.12.2024. In that situation, the present special leave petition has been filed on 10.01.2025. On the same date, i.e., on 10.01.2025, when the case was listed before the High Court, adjournment was sought and finally on 20.01.2025, without arguing the case before the High Court, the application which had been filed for recalling the order dated 30.09.2024 was not pressed.

9) In view of the foregoing, we are satisfied that this is one of such case in which the petitioner wishes to circumvent the procedural law. Even after registration of a criminal case and refusal of anticipatory bail twice by the High Court, petitioner has not surrendered. When the High Court was not inclined to grant anticipatory bail, the petitioner opted to withdraw his petition. Thereafter, when on application being filed in the said disposed of case, direction came to be issued by calling upon the police authorities to file the status report. Thereafter, the present special leave petition has been filed.

10) We are unaware whether the Commissioner of Police,

Amritsar, has filed any affidavit as directed by the High Court on 11.12.2024 in CRM 41840/2024. But, it is a fact that even after rejection of the first bail application and the second bail application, the petitioner has not been taken into custody. Thereby, petitioner intends to take undue advantage of procedural law for reasons best known.

11) In that view of the matter, we are inclined to dismiss this special leave petition with costs of Rs.2,00,000/- (Rupees Two Lakhs). The costs be deposited by the petitioner with the Punjab State Legal Services Authority and proof thereof be filed within one week. Ordered accordingly.

12) We direct the Commissioner of Police, Amrtisar, to arrest the petitioner within three days and to file an affidavit before the Registry of this Court on the fourth day.

13) On filing of such affidavit, matter be placed for orders before the Bench on 29th January, 2025.

(NIDHI AHUJA)
AR-cum-PS

(ANJALI PANWAR)
COURT MASTER (NSH)