

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

242+136

Decided On: 22.08.2025

1. CRM-M-42636-2025

RANJIT SINGH GILL

....PETITIONER(s)

Versus

STATE OF PUNJAB AND OTHERS

....RESPONDENT(s)

2. CRM-M-46624-2025

RANJIT SINGH GILL AND ANOTHER

....PETITIONER(s)

Versus

STATE OF PUNJAB AND OTHERS

....RESPONDENT(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Randeep Singh Rai, Senior Advocate with
Mr. Sanjeev Kaushik, Advocate, Mr. N. K. Verma, Advocate
and Mr. Divyanshu Kaushik, Advocate
for the petitioner(s).

Mr. Chanchal K. Singla, Additional Advocate General, Punjab.

TRIBHUVAN DAHIYA J.(Oral)

These two petitions are inter-connected and, therefore, being decided together.

2. The first petition, CRM-M-42636-2025, has been filed seeking a direction that in case the petitioner is nominated as an accused and respondents decide to arrest him either in - (i) FIR no.22, dated 25.06.2025, under Sections 13(1) read with 13(2) of the Prevention of Corruption Act, 1988, registered at Police Station Vigilance Bureau, Phase I, SAS Nagar, Mohali, or (ii) FIR no.02, dated 22.12.2021, under Sections 25, 27A, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act),



registered at Police Station Punjab State Crime, SAS Nagar, Mohali, atleast two weeks' advance notice may be served upon him to avail the remedies in accordance with law.

2.1. The second petition, CRM-M-46624-2025, has been filed for quashing the notices dated 04.08.2025, Annexure P-9, issued to the petitioners in the aforementioned case, FIR no.02, dated 22.12.2021, being illegal and an abuse of the process of law. One of the petitioners is petitioner no.1 in the first petition also, and the second one is an accountant in his company; both have been issued identical notices as aforementioned.

3. In the first petition, CRM-M-42636-2025, after issuance of notice of motion, the respondents/State have filed a status report dated 17.08.2025, as also an affidavit dated 11.08.2025. The second petition, CRM-M-46624-2025, has essentially been filed on the same facts as mentioned in the first petition.

3.1. Notice of motion.

3.2. Learned State counsel has accepted notice, and addressed arguments on the basis of affidavit and status report already filed in the first petition.

4. Facts are being noticed from the first petition, wherein it is claimed that the petitioner is a social-worker having no criminal antecedents, and is being maliciously targeted by the Vigilance Bureau, Punjab, solely on account of his political affiliation. He has been associated with the Shiromani Akali Dal (SAD), a political party, and held the position of its General Secretary. In July, 2025, he tendered resignation from the SAD, and was thereafter subjected to undue political pressure by the Government of Punjab,



which has been formed by the Aam Aadmi Party (AAP), to join its ranks. The petitioner instead chose to align with the Bharatiya Janata Party (BJP), an opposition party in the State, on 01.08.2025. On the very next day, the respondents searched his premises under search warrants issued by Additional Sessions Judge, SAS Nagar, on 01.08.025. Later, he was issued the impugned notice under Section 160 Cr.P.C. in the aforementioned FIR no.02, dated 22.12.2021, asking him to appear in the office of Special Investigation Team (SIT) at Police Line, Patiala on 05.08.2025 at 11:00 AM. This has been done out of political vengeance, and the respondents are out to arrest him in this illegal manner by calling him before the SIT, though he has only named as a witness in the case.

5. As per the affidavit, dated 11.08.2025, filed by the Senior Superintendent of Police-cum-Chairman, SIT, it has been mentioned that petitioner no.1 is a close associate of the main accused, Bikram Singh Majithia, in FIR no.02, dated 22.12.2021, and that a significant amount of his illicit funds were invested in Gillco Company owned by the petitioner. The relevant paragraphs of the affidavit to this effect read as under:

5. That it is humbly submitted that an FIR No.2 dated 20.12.2021 under section 25/27(A) and 29 of NDPS Act was registered at Police Station Punjab State Crime, SAS Nagar against Bikram Singh Majithia and during the investigation of the said FIR, it was found that Peregrine Saraya Organics Private Limited, a company/firm belonging to Bikram Singh Majithia's family was registered at the address i.e. House No.4276, Phase-2, Urban Estate Patiala. The owner of the property at this address was identified as one Tara Singh Warraich S/o Mehar Singh.

6. That during the course of investigation of the said case, a notice u/s 160 Cr.P.C. (179 BNSS) was duly issued to above Tara



Singh Warraich to appear before the Special Investigating Team (SIT) constituted to investigate the above FIR No.2 dated 20.12.2021 *supra*.

7. That the aforementioned Tara Singh Warraich appeared before the Special Investigating Team (SIT) on dated 17.07.2025. During his questioning regarding Peregrine Saraya Organics Private Limited (a company/firm belonging to Bikram Singh Majithia's family), his statement was recorded under Section 161 of the Code of Criminal Procedure (Cr.P.C.). In his statement, he categorically disclosed that he had previously been an employee of Bikram Singh Majithia's family company, Peregrine Saraya Organics Private Limited. He further disclosed that Ranjit Singh Gill (petitioner), owner of Gillco Company, is a close associate of Bikram Singh Majithia, the accused in FIR No.2 *supra*, and that a significant amount of illicit/ill-gotten funds were invested in the said Gillco Company.

8. That it is further submitted that in light of the above said statement recorded by Tara Singh Warraich, a notice/summon No.366/SIT dated 04.08.2025 u/s 160 Cr.P.C. (179 Bharatiya Nagarik Suraksha Sanhita (BNSS) 2023) was issued to the petitioner Ranjit Singh Gill to appear before the Special Investigating Team (SIT) on dated 05.08.2025. However, it is pertinent to mention that the petitioner failed to appear on the specified date. It is further submitted that the petitioner has not been named as an accused in FIR No.2 dated 20.12.2021 *supra*, till date.

5.1. The respondents have also stated in the status report dated 17.08.2025, that search warrants dated 01.08.2025 regarding three properties of petitioner no.1 were issued by learned Additional Sessions Judge, SAS Nagar, on 01.08.2025, and regarding his fourth property on 02.08.2025. Accordingly, these premises were searched on 02.08.2025 in accordance with law. The fact of petitioner's joining the BJP has nothing to do with the case,



as the warrants had been issued prior to his joining the party. The investigation is being carried out in accordance with law, and as of now the petitioner is not an accused in either of the FIRs aforementioned. In case any material comes to the light against him during the investigation, appropriate action will be taken.

6. In this factual background, learned senior counsel for the petitioner contended that the respondents searched the properties of petitioner no.1 only on account of his joining the opposition party, and to implicate him in the cases. They want to arrest him at any cost, that is the reason despite being not an accused, he has been issued notice under Section 160 Cr.P.C. to secure his presence and arrest him there without notice by implicating him as an accused in the case. This is an abuse of the process of law and has only been adopted to prevent the petitioner from availing the remedy available under law to protect his liberty. In support of the contention, he has relied upon a judgment of the High Court of Calcutta in *Sutapa Adhikari and others v. State of West Bengal and another*, 2023 SCC OnLine Cal 1396. In this case, notices issued under Section 160 Cr.P.C. to the petitioners who had not been nominated as accused, were challenged, and the Court held if they were to be accused of an offence and implicated in the case, they shall not be arrested without issuing a prior notice of ten days. The following paragraphs of the judgment have been referred to:

12. However, the practice, if adopted by investigating agency during investigation to call someone not named in the FIR or not connected in any way in committing the offence, by a notice under section 160 of the Cr.P.C and when the person concerned complies direction of such notice, the investigating officer in the name of interrogation, implicate him as an accused and arrest



him directly, such practice cannot be encouraged. Such procedure adopted by the investigating agency is not in conformity with the provisions and object as laid down in section 160 of the Cr.P.C. and also violative of principles of natural justice. Section 160 under chapter XII of the Cr.P.C empowers a police officer to require attendance of witness and therefore under the garb of section 160 of the Cr.P.C. a person unconnected with the offence, cannot be directed to appear through notice under section 160, for adopting short cut method of denying the right of such person to get his proper redressal. Even if there is any allegation of violation of notice under section 160 of Cr.P.C., The public servant can very well take steps under section 174 of the Indian Penal Code but the investigation agency cannot use section 160 of the Cr.P.C as an oppressive measure against anyone. ...

13. Thus in order to prevent abuse of the process of law by the investigating agency as already discussed and to ensure ends of justice and having considered the rival contentions, CRR 2464 is hereby disposed of with the following direction:-

(i) The investigating agency in connection with Contain Police case no.46 of 2022 dated 31.01.2022 under sections 120B/409/477A of the Indian Penal Code, 1860 pending before the learned ACJM Contain Purba Medinipur (if investigation still continuing) will be free to issue another set of notices under section 91/160 of Cr.P.C. to the petitioners, if their presence and interview is required for investigation but in that case the petitioners must be given at least 72 (seventy Two) hour notice.

(ii) If at any point of time the investigating agency proposes to accuse any of the petitioners of any alleged offence and proposes to implicate with the case in order to start investigation against all or any of the petitioners, the concerned petitioner(s) shall be served with a written show cause notice and he shall not be arrested for a period of 10



days, from service of such show cause notice to enable him to avail of his remedies against arrest available in law.

(iii) It is made clear that this court has not entered into the merit of the complain whatsoever and the observation made herein is confined to future notice, if any, under section 160/91 of Cr.P.C. in connection with present petitioners.

7. *Per contra*, learned State counsel contends that the petitions are not maintainable as the petitioners have not availed the remedy available to them under law to seek pre-arrest bail. Issuing a direction to issue prior notice to the petitioners before arrest, only amounts to restraining the respondents from arresting them even if they are accused of committing a cognizable offence and their custody is required for investigation. It will be a fetter on the respondents' power to investigate the cases and hamper investigation. He further contended that the impugned notices, dated 04.08.2025, were issued only to require the petitioners' presence before the SIT on 05.08.2025; they, however, did not appear on the said date, and no fresh notice was issued thereafter. None of them is an accused so far; accordingly, apprehension of their arrest has no basis. He has also relied upon the judgment in *Vijaykumar Gopichand Ramchandani v. Amar Sadharam Mulchandani and others*, 2022 LiveLaw (SC) 1010, wherein the Supreme Court had set aside a direction given by the High Court to give seventy-two hours advance notice before arrest holding it to be violative of law laid down in *Union of India v. Padam Narain Aggarwal and others*, (2008) 13 SSC 305.

8. Submissions made by learned counsel for the parties have been considered.

9. As per undisputed factual position, the petitioners have not been nominated as accused in either of the cases aforementioned. They were issued



impugned notices under Section 160 Cr.P.C., dated 04.08.2025, to appear as witnesses before the SIT; however, they chose not to. No other notice of the kind has been issued to either of them thereafter, nor have they been accused so far of committing any offence concerning the cases in question which are under investigation. The impugned notices have already become otiose and superfluous. And this Court finds no justification to issue any direction with respect to a notice which the petitioners presume will be issued to them in future under Section 160 Cr.P.C. Besides, in terms of law laid down in *Padam Narain Aggarwal* case *ibid.* no direction to give prior notice to the petitioners before arresting them can be issued. It has been held that imposing such a condition upon the investigating agency to issue prior notice to the accused, only obstructs and curtails its authority to exercise statutory power of arresting a person said to have committed a non-bailable offence; this is unwarranted by law. The observations in this regard are as follows:

44. In the case on hand, the respondents were only summoned under Section 108 of the Act for recording of their statements. The High Court was conscious and mindful of that fact. It, therefore, held that the applications for anticipatory bail, in the circumstances, were premature. They were, accordingly, disposed of by directing the respondents to appear before the Customs Authorities. The Court, however, did not stop there. It stated that even if the Customs Authorities find any non-bailable offence against the applicants (the respondents herein), they shall not be arrested without ten days prior notice to them.

45. In our judgment, on the facts and in the circumstances of the present case, neither of the above directions can be said to be legal, valid or in consonance with law. Firstly, the order passed by the High Court is a blanket one as held by the Constitution Bench of this Court in *Gurbaksh Singh* and seeks to grant



protection to the respondents in respect of any non-bailable offence. Secondly, it illegally obstructs, interferes and curtails the authority of the Customs Officers from exercising statutory power of arrest of a person said to have committed a non-bailable offence by imposing a condition of giving ten days' prior notice, a condition not warranted by law. The order passed by the High Court to the extent of directions issued to the Customs Authorities is, therefore, liable to be set aside and is hereby set aside.

Accordingly, in the facts and circumstances of the case, directing the respondents to serve seven days' prior notice on the petitioners before arrest, would amount to giving them a blanket protection from arrest without even examining the material, if any, gathered/to be gathered by the investigators against them and it being determined whether their interrogation in custody was needed. In case petitioners are nominated as accused in either of the cases mentioned above or apprehend such an eventuality and the consequential arrest, they have the remedy in law to seek pre-arrest bail from the Court of competent jurisdiction.

- 10. The judgment in *Sutapa Adhikari* case, being at variance with the law laid down by the Supreme Court, cannot advance the petitioners' case.
- 11. Both the petitions, accordingly, stand dismissed.
- 12. A photocopy of this order be placed on the connected file.

22.08.2025
Ad

(TRIBHUVAN DAHIYA)
JUDGE

Whether speaking/reasoned?
Whether reportable?

Yes/No
Yes/No