

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

Case: Bail App No. 190/2024

Rajinder Singh

..... Petitioner(s)

Through :- None.

Vs

U.T. of J&K

.....Respondent(s)

Through :- Ms. Aparna Gupta, Advocate vice
Mrs. Monika Kohli, Sr. AAG

CORAM:

HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE

ORDER
31.12.2024

01. Status report in terms of order dated 11.12.2024 has been filed on behalf of the respondents on 30.12.2024 and copy of the same has been furnished to this Court, which is taken on record, a perusal whereof reveals that the accused/petitioner is not cooperating with the investigation and has violated the directions passed by this Court and the investigation is pending for want of his presence and could not be concluded due to the act of accused. Even otherwise also, this Court vide order dated 11.12.2024 has observed that the petitioner was not cooperating with the investigation in light of the inputs given by the Investigating Officer, who was present in person along with the case diary on the said date and a prayer was made for dismissal of the instant bail application.

02. On 25.10.2024, when the case was taken up, the Investigating Officer apprised this Court that the petitioner was not participating in the investigation and before withdrawing the concession of bail to the accused/petitioner, the

Court deemed it proper to grant one more opportunity to the petitioner to approach the Investigating Officer, failing which, it was observed that the Court will be constrained to withdraw the concession of interim bail in anticipation of arrest, granted to him.

03. In the aforesaid backdrop, the petitioner was directed to remain present before the Investigating Officer w.e.f. 28.10.2024 to 31.10.2024 from 10 AM to 01 PM by directing the petitioner to cooperate with the Investigating Officer and thereafter, the Investigating Officer was directed to file a detailed status report with special reference as to whether the petitioner has complied with the conditions imposed by this Court or not.

04. Pursuant thereto, the fresh status report has been filed on behalf of the respondents on 04.11.2024 in which a specific stand has been taken by the respondents that on 31.10.2024, the accused did not turn up and he did not comply with the direction passed by this Court from time to time and also he did not cooperate with the investigation.

05. In the aforesaid backdrop, the Investigating Officer, who was present in person submitted that he was unable to conclude the investigation, as the accused is not cooperating with the investigation and has flouted the conditions imposed by this Court while granting bail in anticipation. Accordingly, the Court vide order dated 11.12.2024 deemed it proper to direct the petitioner to remain present before the Investigating Officer on 16.12.2024 in between 1 PM to 4 PM and was also directed to cooperate with the Investigating Officer with regard to the investigation in question and the Investigating Officer was at liberty to summon the petitioner on 20.12.2024 at the same time. Besides, this

Court directed the Investigating Officer to make an endeavour to conclude the investigation expeditiously and, accordingly, respondents were directed to file fresh status report with reference, as to whether the petitioner has complied the conditions imposed by this Court or not.

06. Today, when the case was taken up, Investigating Officer- Mr. B.D Dandia, Dy. SP Crime Branch, Jammu is present in person along with the case diary and he submits that the accused is not cooperating with the investigation and even flouted the directions passed by this Court vide order dated 11.12.2024 and he failed to attend the investigation on the dates and timings specified by this Court.

07. Thus, in light of the stand taken by the respondents and also in light of the fact that the accused/petitioner is flouting the terms and conditions of the concession of bail granted by the Court vide order dated 21.08.2024 is withdrawn and since there is no representation on behalf of the petitioner, the instant bail application so preferred by the petitioner shall stand *dismissed*. Investigating Officer is at liberty to proceed in accordance with law.

(WASIM SADIQ NARGAL)
JUDGE

JAMMU
31.12.2024
Mihul