

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Criminal Miscellaneous No.M-25226 of 2014 (O & M)

Date of Decision: April 07, 2015

Sanjay Kumar

..... PETITIONER

VERSUS

Union Territory, Chandigarh

..... RESPONDENT

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CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

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1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

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PRESENT: - Mr. Ramandeep, Advocate, for Mr. R.S. Bajaj,
Advocate, for the petitioner.

Mr. Anil Kumar Lamdharia, Advocate, for
U.T. Chandigarh, assisted by Mr. Rajesh
Bansal, Advocate, for the complainant.

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Jaspal Singh, J

1. Petitioner – Sanjay Kumar has preferred this
petition under Section 438 Cr.P.C. seeking pre-arrest bail,
feeling apprehension of his arrest, in case FIR No.249 dated
June 16, 2014 under Sections 420, 120-B IPC, registered at
Police Station, Sector – 39, Chandigarh.

2. At the very outset, it would be appropriate to mention that vide Order dated July 30, 2014 passed by a coordinate Bench of this Court, interim bail was granted to petitioner by passing following order:-

“Counsel would *inter alia* contended that co-accused namely Rajneesh Kaushal has been granted ad interim protection as regards arrest by this Court in the light of order dated 16.7.2014 passed in CRM No.M-22741 of 2014.

Notice of motion, returnable for 16.9.2014.

To be listed along with CRM No.M-22741 of 2014.

In the meanwhile, petitioner is directed to join investigation and to appear before the I.O.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C.”

3. Thereafter, petition was adjourned for September 16, 2014. Since petitioner did not join investigation in compliance of above referred order, petition was adjourned to October 7, 2014 and interim order was extended. Petitioner was specifically directed to join investigation on September 23, 2014 but despite that fact, he did not join investigation. Last opportunity was granted to petitioner to join investigation on or before October 17, 2014 while deferring hearing to November 14, 2014. Even then, petitioner failed to join investigation. Thereafter also, case was adjourned a number of times.

4. A perusal of order dated December 18, 2014 reveals that learned counsel for petitioner contended that petitioner has joined investigation which fact was hotly resisted by learned senior counsel for U.T. Chandigarh submitting that in spite of giving last opportunity on October 7, 2014, petitioner has failed to join investigation. Consequently, petitioner was directed to disclose, by way of an affidavit, the date and time when he is alleged to have joined investigation but he failed to furnish said affidavit and today, learned counsel for petitioner submits that though he made an effort to contact petitioner but he failed to have any instruction.

5. All circumstances narrated above are suggestive of fact that petitioner has not joined investigation despite the fact that case was adjourned time and again, a number of times, for said purpose. In view of non-compliance of various orders, referred to above, petitioner does not deserve concession of pre-arrest bail.

6. Dismissed.

April 07, 2015
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(Jaspal Singh)
Judge