

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-4475-2015

Date of decision: 13.05.2015

Rajwinder Singh @ Binder

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. A.S. Kalra, Advocate
for the petitioner.

Ms. Anmol Grewal, AAG, Punjab.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks pre-arrest bail in FIR No.6 dated 07.01.2015 under Section 365 IPC, registered at Police Station Canal Colony, District Bathinda.

Notice of motion was issued and interim protection was granted.

When the case came up for hearing on 18.03.2015, learned counsel for the State apprised the Court that though petitioner had joined the investigation but he was not cooperating with the investigating agency. In that situation, petitioner was directed to join the investigation again and cooperate with the investigating agency, adjourning the case for 24.04.2015. Similar was the position on 24.04.2015. Petitioner was again directed to join the investigation and cooperate with the investigating agency, while adjourning the case for today.

Learned counsel for the State, on instructions from ASI Mukhtiar Singh, Police Station Canal Colony, District Bathinda, submits that

although petitioner has joined the investigation, he is not intentionally cooperating with the investigating agency. No clue has been disclosed by the petitioner which might have helped the investigating agency to trace out the missing person. She further submits that it was the petitioner who took the missing person to the venue of the party and thereafter, his whereabouts are not known. Petitioner was the only concerned person who was last seen in the company of the missing person. In such a situation, she submits that custodial interrogation of the petitioner is necessary.

Faced with the above, learned counsel for the petitioner submits that petitioner has no role to play in the present case. He has been falsely implicated. So far as the presence of the petitioner with missing person is concerned, he does not deny the said fact, however, thereafter petitioner never met him nor he is aware about any of the further developments. He next contended that had the petitioner been aware about further developments, there was no difficulty for the petitioner to disclose those facts to the police authorities. He prays for allowing the present petition.

Having heard the learned counsel for the parties at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the rival contentions raised, this Court is of the considered opinion that in view of the direct and specific allegations against the petitioner, his non-cooperation with the investigating agency, makes him disentitled for the concession of anticipatory bail. It is so said because despite having been directed on more than two occasions, petitioner is not at all cooperating with the investigating agency. He did not provide any effective clue to the Investigating Officer so as to trace out the missing

person. Undisputably, petitioner was last seen with the missing person and he could be the only concerned person to disclosed the effective clue to the investigating agency, in this regard.

In the circumstances noticed hereinabove, custodial interrogation of the petitioner would be a compulsive necessity of the investigating agency so as to conduct an effective investigation. No case for anticipatory bail is made out.

Dismissed.

[RAMESHWAR SINGH MALIK]
JUDGE

13.05.2015
vishnu