

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

CRM-M-16024-2016 (O&M)

Date of decision : 26.09.2016

Shri Om

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Prabhjeet Singh Sullar, Advocate,
for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab,
assisted by ASI Jarnail.

Mr. P.S. Ahluwalia, Advocate for the complainant.

JITENDRA CHAUHAN, J. (Oral)

The instant petition has been filed under Section 438 of the Code of Criminal Procedure, for grant of anticipatory bail to the petitioner in case FIR No.59 dated 30.03.2015, registered under Sections 420 and 406 of the Indian Penal Code, at P.S. Sadar Patiala.

Heard.

On 10.05.2016, notice of motion was issued to the State of Punjab for 19.08.2016, and arrest of the petitioner stayed with a direction to him to join the investigation. On 19.08.2016, learned counsel for the petitioner made a statement that in pursuance of order dated 10.05.2016, the petitioner had joined the investigation. This statement was disputed by learned State counsel and therefore, the petitioner was again directed to

appear before the Investigating Officer.

Learned State counsel, on instructions, states that despite the fact that three notices were issued to the petitioner under Section 160 Cr.P.C., calling him to join the investigation, he neither appeared before the Investigating Officer, nor sent any communication in this regard, whereas, learned counsel for the petitioner states that the petitioner has repeatedly joined the investigation.

Heard.

Even if the petitioner has joined the investigation, as he is not cooperating in the investigation, his conduct disentitles him to the grant of discretionary relief.

Dismissed.

However, nothing noticed hereinabove shall be construed as an expression of opinion of this Court, on the merits of the case.

26.09.2016
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No