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

CRM-M-34840-2016

Date of Decision: 24.01.2017

Anand Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Ranjan Lakhanpal, Advocate,
for the petitioner.

Mr. Deep Singh, AAG, Punjab.

Mr. Karan Vir Nanda, Advocate
for the complainant.

INDERJIT SINGH, J.

Petitioner-Anand Kumar has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.158 dated 16.08.2016, registered at Police Station Dera Bassi, SAS Nagar (Mohali), under Sections 406, 420 and 120-B of Indian Penal Code.

Notice of motion has been issued.

Mr. Deep Singh, Asstt. Advocate General, Punjab, has put in appearance on behalf of the respondent-State and Mr. Karan Vir Nanda,

Advocate, has put in appearance on behalf of the complainant and contested this petition.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

From the record, I find that vide order dated 28.09.2016, passed by this Court, interim bail was granted to the petitioner with a direction to join the investigation. On the next date i.e. 11.11.2016, learned counsel for the petitioner informed the Court that the petitioner went to the police station to join the investigation but he was not joined in investigation by the Investigating Officer. On the contrary, learned State counsel has stated that the petitioner did not come present to join the investigation on the date fixed.

Thereafter, vide order dated 28.11.2016, the petitioner was again directed to join the investigation on 30.11.2016 with a specific condition that if the Investigating Officer did not join him in investigation, then the petitioner can approach the learned Sub Divisional Judicial Magistrate, Dera Bassi and the case was adjourned to 13.12.2016.

On 13.12.2016, the petitioner again submitted before this Court that the Investigating Officer did not join him in investigation. Thereafter, this Court directed the petitioner to appear before learned Sub Divisional Judicial Magistrate, Dera Bassi on 19.12.2016 at 10:00 a.m. sharp and to move an application showing his willingness to join

the investigation. Similarly, a direction was also given to the Investigating Officer to remain present before the concerned Court on scheduled date and time.

Today, learned State counsel informed this Court that the Investigating Officer appeared before the learned Sub Divisional Judicial Magistrate, Dera Bassi, in compliance of order passed by this Court, but the petitioner did not turn up.

Mr. Anshuman Sharma, Advocate, who has come present along with counsel for the petitioner, stated that he was with the petitioner on the date fixed, but as the other party has brought some engaged persons, therefore, the petitioner could not enter the Court room.

From the aforesaid discussion, it is clear that the petitioner instead of joining the investigation is making excuse on one pretext or the other and has not complied the orders passed by this Court. Therefore, he is not entitled to the benefit of anticipatory bail.

Accordingly, the anticipatory bail moved on behalf of the petitioner is dismissed.

January 24, 2017

rajesh k.khurana

**(INDERJIT SINGH)
JUDGE**

Whether speaking/reasoned	:	Yes
Whether reportable	:	No