

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44009-2018 (O&M)

Date of decision:17.12.2018

Ajay Kumar

.....Petitioner

versus

State of Haryana and another

....Respondents

CORAM: Hon'ble Mr. Justice Kuldeep Singh

Present: Mr. Gorav Kathuria, Advocate for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Mr. Abhilaksh Grover, Advocate for respondent No.2.

Kuldeep Singh, J. (Oral)

Short reply by way of affidavit of Anil Goel, respondent No.2 along with Annexures R-2/1 and R-2/2 has been filed in Court today and is taken on record.

Petitioner seeks cancellation of anticipatory bail granted to respondent No.2 namely Anil Goel in FIR No.290 dated 06.04.2018 (Annexure P-1) under Sections 406, 506 & 420 IPC registered at Police Station Sector-7, Faridabad by this Court vide order dated 24.07.2018, passed in CRM-M-15926-2018 (Annexure P-7).

The bail has been sought to be cancelled on the ground that the petitioner had not complied with condition contained in the order dated 24.07.2018 i.e to appear before the Investigating Officer on 31.07.2018 at

10.00 am. It comes out that respondent No.2 -Anil Goel approached this Court by way of CRM-M-15926-2018 for grant of anticipatory bail. This Court while issuing notice of motion on 04.05.2018, granted interim protection to the petitioner and his co-accused and the case was listed for 25.07.2018. CRM-M-15926-2018 was taken up on 24.07.2018, it was notified that Puneet Goel and Anil Goel were in custody in some other cases and after taking permission from the Illaqa Magistrate, they joined the investigation. However, it is stated that Anil Goel-respondent No.2 in the present case has not joined the investigation. This Court directed Anil Goel to appear before the Investigation Officer on 31.07.2018 at 10 am and the anticipatory bail was made absolute. Now the petitioner claims that the respondent No.2-Anil Goel has not complied with the order and has not joined the investigation till date.

State in the reply has taken a stand that Anil Goel did not join the investigation on 31.07.2018 despite order of this Court. Thereafter, several notices were issued to him but he did not join the investigation.

On behalf of respondent No.2, reply has been filed along with the documents stating that respondent no.2 is suffering from cancer and he was advised rest and getting regular treatment from the doctor and in view of the serious condition, he could not appear for investigation. He has expressed willingness to appear before the Investigating Officer. The photocopies of the medical record have also been produced to support the version that respondent No.2 is suffering from mouth cancer.

I have heard learned counsel for the rival parties and carefully

gone through the file.

I am of the view that in this case, vide order dated 04.05.2018, the petitioner was directed to join investigation before the next date of hearing i.e. 25.07.2018 anticipatory bail was granted and petitioner was directed to join investigation on 31.07.2018 at 10.00 am. Thereafter, petitioner did not join the investigation. Now about 4 ½ months have lapsed. The plea of respondent No.2 that he is suffering from mouth cancer and advised rest is not a ground to accept the explanation. It is not the case that respondent No.2 is confined to bed and was unable to move. If he is going to hospital, he can go to police also. The police had issued several notices to him.

On behalf of the State, it is informed that the petitioner is involved in 22 cases of similar nature.

I am of the view that since respondent No.2 had failed to comply with order dated 24.07.2018, therefore no further chance is to be given. Hence, the anticipatory bail granted to respondent No.2-Anil Goel vide order dated 24.07.2018, is cancelled. He is directed to immediately appear before the police.

Petition is accordingly allowed.

(KULDIP SINGH)
JUDGE

17.12.2018
anju rani

Whether speaking/ reasoned:	Yes
Whether Reportable:	No