

Sr. No.215

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

**CRM-12982-2019 in/and
CRM-M-41198-2018(O&M)
Date of decision:08.05.2019**

Jasvir Singh @ Suni

..... Petitioner

versus

State of Punjab and another

..... Respondents

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

**Present: Mr. Ishwar Lal, Advocate
for the petitioner.**

Mr. K.S.Aulakh, DAG, Punjab.

Rajbir Sehrawat, J(Oral)

This is a petition filed under Section 438 Cr. P.C. for grant of anticipatory bail to the petitioner in case FIR No.0242, dated 01.08.2018 under Sections 452,323,341,325,506,148,149 IPC, registered at Police Station City Rajpura, District Patiala.

Vide Order dated 19.09.2018, the petitioner was granted interim protection with direction to join the investigation. However, on 15.12.2018, State counsel had informed that though the petitioner had joined the investigation but recovery was yet to be effected from him. So the petitioner had not co-operated in the investigation. Accordingly, one more opportunity was granted to the petitioner to join the investigation and the interim order in his favour was continued.

Same situation continued even on the next date. Therefore, on 14.02.2019, the case was again adjourned for 28.03.2019. On the adjourned date, case was adjourned on the request of counsel for the petitioner and interim order was again continued. Same happened on the next date of

hearing as well.

However, today again; State counsel has submitted that the petitioner has not co-operated with the Investigating Officer. As a result, the recovery of weapon of offence could not be effected from the petitioner.

On the other hand, learned counsel for the petitioner submits that no recovery is liable to be effected from the petitioner because there is no corresponding injury with the said weapon, as mentioned in the FIR.

In view of the above, it is not disputed that the petitioner has not got the recovery of weapon of offence effected. His efforts is only to dispute the version of the complainant; so as to avoid the recovery of weapon of offence. However, at this stage, the Court can not appreciate the facts with respect to the justification of the recoveries sought to be effected by the police. It is for the police to consider as to, what recovery is to be effected from the accused, if at all so required.

Since the petitioner has not co-operated with the police during the investigation, therefore, this Court does not find any ground to continue the interim order.

In view of the above, the present petition is dismissed.

8th May, 2019

Shivani Kaushik

[RAJBIR SEHRAWAT]
JUDGE

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*