

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-50187 of 2018

DATE OF DECISION: MAY 9, 2019

ASHWANI KUMAR

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. DEEPAK JINDAL, ADVOCATE FOR THE PETITIONER.
MR. SUKHDEEP PARMAR, AAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

This petition has been filed by the petitioners under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.362 dated 27.8.2018, registered under Sections 420 and 406 IPC and Sections 10 and 24 of Immigration Act 1965, Police Station Kurukshetra University, District Kurukshetra. The petitioner has apprehended his arrest at the hands of the Police.

Vide order dated 15.11.2018, while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel for the petitioner submits that an amount of Rs.20,000/- was deposited in the account of the complainant which is proved from the statement of the Bank and an amount of Rs.1 lac has already been received against proper receipt by the complainant. Learned counsel also submits that the petitioner is ready to join the investigation and to avoid the

terms and conditions to be imposed by the investigating agency.

Notice of motion for 15.01.2019.

Meanwhile, the petitioner is directed to join the investigation as and when required by the Investigating Officer and in the event of arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer.

He shall also comply with the conditions as envisaged under Section 438 (2) of the Code of Criminal Procedure, which are as under:-

- 1. That he shall make himself available for interrogation by the Investigating Officer as and when required:*
- 2. That he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to the Investigating Officer and;*
- 3. That he shall not leave India without prior permission of the Court.”*

On the next date, i.e. 15.3.2019, the matter was again taken up and it was apprised by the State counsel that the petitioner has not joined the investigation. At that stage, this Court had again directed the petitioner to join investigation on 28.3.2019 at 11.00 a.m.

Today the matter is again taken up. Learned State counsel on instructions from ASI Gulzar Singh has intimated that status of the petitioner remains the same as he has failed to attend the investigation.

At this stage, learned counsel for the petitioner states that efforts towards compromise are being made. However, this circumstance cannot be accepted as explanation to violate the directions issued by this Court on two occasions.

Considering the conduct of the petitioner, no ground is made out to grant anticipatory bail to the petitioner.

Petition is dismissed.

May 9, 2019
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No