

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

CRM-M-11097-2020

Date of decision:-17.3.2020

Kuldeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Vishal Goel, Advocate
for the petitioner.

H.S. MADAAN, J.

Briefly stated, the facts of the case are that Kuldeep Singh, an accused in FIR No.5 dated 20.1.2020 under Section 61 of the Punjab Excise Act, 1914, registered with Police Station Sanaur, District Patiala apprehending his arrest in the said case had filed a petition for pre-arrest bail before the Court of Sessions at Patiala, which was assigned to Additional Sessions Judge, Patiala. The said Court had granted concession of pre-arrest bail to such petitioner/accused directing him to join the investigation within a period of 15 days and in the event of his doing so, he was to be released on interim bail on furnishing bonds to the

satisfaction of Investigating Officer/Arresting Officer. The said order was passed on 14.2.2020. The case was adjourned to 4.3.2020 for awaiting report of the Investigating Officer. The petitioner did not join the investigation in terms of the directions issued by learned Additional Sessions Judge, Patiala, as such, the petition was dismissed vide order dated 4.3.2020.

Now the said petitioner has approached this Court praying for grant of similar relief contending that petitioner had approached the Investigating Officer to join the investigation but Investigating Officer intentionally did not allow him to do so.

This contention on the face of it does not appear to be convincing and plausible. If the Investigating Officer had not allowed the petitioner to join the investigation as alleged, he could have very well approached the Court of Additional Sessions Judge, Patiala in that regard craving for issuance of directions to the Investigating Officer/SHO of the police station concerned to allow him to join the investigation but he did not do anything of that sort. On 4.3.2020 when the Investigating Officer, namely HC Harjinder Singh had appeared before learned Additional Sessions Judge, Patiala and stated that accused Kuldeep Singh had not joined the investigation, learned counsel representing that accused though present had not controverted that contention or raised any plea that the petitioner had contacted the Investigating Officer but he did not allow him to join investigation. Therefore, such plea being put up now is clearly devoid of merit. The petitioner having not complied with the directions issued by Additional Sessions Judge, Patiala of joining investigation

within 15 days of the order passed by that Court without any justification is definitely not entitled to grant of discretionary relief of pre-arrest bail by this Court.

Thus, finding no merit in the petition, the same stands dismissed.

17.3.2020
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(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No