

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

CRM-M-53840-2019

Date of decision:-4.3.2020

Rajesh

...Petitioner

Versus

State of Haryana

...Respondent

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

Present: Mr.Amit Choudhary, Advocate
for the petitioner.

Ms.Harpreet Kaur, AAG, Haryana.

H.S. MADAAN, J.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner – Rajesh, an accused in FIR No.456 dated 17.11.2019 for the offences under Sections 147, 148, 323 and 506 IPC, registered with Police Station Sadar, Fatehabad.

When the petition came up for hearing on 17.12.2019 then it was adjourned to 20.12.2019. On that date, hearing was deferred to 16.1.2020. On 16.1.2020, the petitioner was granted interim bail with a direction to join the investigation within five days and to surrender his passport before the Investigating Officer. However, admittedly the petitioner has not complied with this order.

Though counsel for the petitioner has tried to put forward an argument that the petitioner had tried to contact the Investigating Officer,

who did not allow him to join the investigation. But this contention does not seem to be correct.

Learned State counsel has contended that two notices under Section 160 Cr.P.C. had been issued to the petitioner to appear before the Investigating Officer on 20.1.2020 and 27.1.2020 but despite service thereof through his family member, he failed to comply with the notices.

Even otherwise, if contention of the counsel for the petitioner is believed, nothing prevented him to approach this Court and move appropriate application intimating that the Investigating Officer was not allowing him to join the investigation and seeking extension of time for doing so but it was not done so, which means that the petitioner has intentionally not joined the investigation and has floated the directions given by this Court. For that very reason, the petitioner is not entitled to concession of pre-arrest bail.

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

4.3.2020
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No