

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

Sr. No.201

CRM-M-8345 of 2021

Date of Decision: 09.12.2021

Rajiv Kumar

.... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present: None for the petitioner.

Mr. Amreek Singh Narwal, DAG, Haryana.

SANT PARKASH, J. (ORAL)

The present petition has been filed under Section 438 Cr.P.C. seeking grant of anticipatory bail in case FIR No.17 dated 10.01.2021, registered under Sections 120-B and 420 IPC (Sections 467, 468, 471 and 201 IPC added later on) at Police Station Samalkha, District Panipat.

While issuing notice of motion, the Coordinate Bench of this Court passed the following order:-

“The case has been taken up for hearing through video conferencing.

Learned counsel for the petitioner contends that initially FIR was registered for the offences under Sections 420 and 120-B IPC. Petitioner has not been named in the FIR. Thereafter, offences under Sections 467, 468, 471 and 201 IPC were added on the ground that the accused Desh Bandhu had delivered the forged HSSC card to Rahul and Rajesh and also got deputed Nisha on duty in the paper of Gram Sachiv in violation of rules. Jagdeep and Rahul mentioned the role

number slips of the examinees who were present in the paper. Learned counsel further contends that the petitioner himself was a candidate and was attending his examination at the time of alleged incident. Petitioner had no role in alleged leaking of the paper of Gram Sachiv. Name of the petitioner has appeared in the disclosure statements of co-accused Sunil and Ankit.

Notice of motion for 06.05.2021.

Till the next date of hearing, arrest of the petitioner shall remain stayed.”

On the next date of hearing i.e.16.09.2021, this Court passed the following order directing the petitioner to join the investigation:-

“xxx xxx xxx xxx xxx

In order to appreciate the controversy in detail, it would be just and appropriate to direct the petitioner(s) to appear before the SHO/Investigating Officer to join investigation on 24.09.2021 at 11.00 A.M., and in the event of his/their arrest, he/they shall be enlarged on interim bail, subject to his/their furnishing requisite bail bonds/surety bonds to the satisfaction of Arresting Officer. However, petitioner(s) shall abide by the conditions as envisaged under Section 438(2) Cr.P.C

Nothing expressed hereinabove shall be construed to be an opinion on the merits of the case(s). The case(s) shall be decided on merits on the adjourned date

Adjourned to 09.12.2021.”

Learned State counsel has apprised the Court that the petitioner-Rajiv Kumar has not joined the investigation despite the directions given by this Court.

Since the petitioner has not abide by the order passed by this Court and none has appeared to justify his bonafide for not complying with the orders of the Court, he is not entitled to the discretionary relief of anticipatory bail.

Accordingly, the petition is dismissed.

**(SANT PARKASH)
JUDGE**

09.12.2021
Maninder

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No