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

**CRM-M No.11827 of 2020
Date of Decision:01.09.2021**

RAJBIR SINGH

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr.APS Srawaan, Advocate
for the petitioner.

Mr. Amar Ashok Pathak, Addl A.G. Punjab.

RAJ MOHAN SINGH, J. (Oral)

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

Petitioner seeks grant of anticipatory bail under Section 438 Cr.P.C in case bearing FIR No.12 dated 13.02.2020 registered under Sections 379, 411 IPC, at Police Station Makhu, District Ferozepur.

Notice of motion was issued on 20.03.2020, by passing the following order:-

“Learned counsel for the petitioner contends that the FIR was registered on the basis of secret information. The said information was in respect of involvement of co-accused namely Raj Singh, Pipal Singh and Karamjit Singh. A raid was supposed to be conducted on the houses of the aforesaid accused. Name of the petitioner was not disclosed by the secret informer, but still

raid was conducted at the house of the petitioner and 3 motorcycles are alleged to have been recovered.

The allegations in terms of Section 411 IPC i.e. recipient of 'Booti' of theft, without alleging as to who had committed the theft of 3 motorcycles would remain debatable.

Notice of motion for 14.05.2020.

In the meanwhile, petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 24.03.2020 at 11.00 a.m. and in the event of his arrest, he shall be enlarged on ad interim bail, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of Arresting Officer. However, petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C."

Petitioner did not join the investigation in pursuance of the aforesaid order. On 14.07.2021, learned counsel for the petitioner submitted before the Court that due to some misconception, petitioner had not responded to his calls. He prayed for one more opportunity to make communication through father of the petitioner. The case was adjourned for today.

Today, learned counsel for the petitioner submits that despite registered post issued to father of the petitioner i.e. Devinder Singh, Resident of village Talwandi Nipalan, Police Station Makhu, Tehsil Zira, District Ferozepur, none has responded to instruct him.

At this stage, he pleads no instructions from the petitioner. Admittedly the petitioner has not joined the investigation in pursuance of order dated 20.03.2020, so far despite the adjournment sought by learned counsel for the petitioner on 14.07.2021.

Faced with the situation, this Court has no alternative but to dismiss this petition.

Dismissed.

01.09.2021

Amandeep

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No