

201

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

**CRM-M No.34761 of 2021
Date of Decision: 10.11.2021**

NITIN GOYAL ALIAS NITIN GOEL

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. R.K. Singla, Advocate
for the petitioner.

Mr. Ashish Yadav, Addl. A.G., Haryana.

Mr. Sukhvir Singh Sahu, Advocate
for the complainant.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of anticipatory bail under Section 438 Cr.P.C. in his second attempt in case bearing FIR No.17 dated 15.01.2020 registered under Sections 406, 420, 370, 34 IPC and Section 24 of the Emigration Act (offence under Section 370 IPC and Section 24 of the Emigration Act added later on) at P.S. Sadar Fatehabad, District Fetehabad.

Earlier petition bearing CRM-M No.32490 of 2021 was disposed of by this Court on 19.01.2021, when learned State counsel duly assisted by learned counsel for the complainant

submitted before the Court that the police would undertake the exercise of serving the petitioner afresh in accordance with law and thereafter would proceed against the petitioner. Petition was disposed of and rigour of order dated 27.01.2020 passed by the Court of Sessions at Fatehabad was made to continue till issuance of advance notice to the petitioner and till culmination of process arising thereunder in accordance with law. It was also observed that on receipt of notice, the petitioner would be at liberty to avail his legal remedy.

After issuance of notice, the present petition has been filed. Notice of motion was issued on 26.08.2021. Thereafter vide order dated 31.08.2021, interim anticipatory bail was granted to the petitioner without observing anything on merits of the case. It was made clear that the petitioner was to appear before the Illaqa Magistrate on 07.09.2021 and upon his appearance, the Illaqa Magistrate was obligated to summon the Investigating Officer. Thereafter petitioner was directed to join the investigation in the presence of Illaqa Magistrate. The factum of non-cooperation by the petitioner was to be recorded by the Illaqa Magistrate in his report which was to be submitted later on to this Court.

Now the report dated 03.11.2021 has been submitted by the Addl. Chief Judicial Magistrate, Fatehabad showing that the petitioner has not cooperated with the Investigating Officer.

Number of events have been recorded in the aforesaid report.

In view of the aforesaid facts, no indulgence can be granted to the petitioner under Section 438 Cr.P.C. The petition is accordingly dismissed.

November 10, 2021

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No