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

**CRM-M No.38324 of 2020(O&M)
Date of Decision: 18.01.2021**

Rajender Kumar

.....Petitioner

Vs

State of Haryana

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. NS Kamboj, Advocate
for the petitioner.

Mr. Rajat Gautam, DAG, Haryana.

RAJ MOHAN SINGH, J. (Oral)

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

[2]. Petitioner has preferred this petition for issuance of directions to respondents No.2 and 3 for conducting fair and proper investigation in case bearing FIR No.0193 dated 28.05.2019 registered under Sections 420 and 406 IPC at Police Station Sadar Fatehabad.

[3]. Petitioner is an accused in the aforesaid FIR. CRM-M No.18427 of 2020 filed by the petitioner for grant of anticipatory bail was dismissed by the High Court on 27.07.2020. Thereafter, second petition for grant of anticipatory bail i.e. CRM-M

No.27073 of 2020 was dismissed as not maintainable vide order dated 10.09.2020.

[4]. In response to the order dated 19.11.2020, a status report by way of affidavit of Ajaib Singh, HPS, Deputy Superintendent of Police, Fatehabad, District Fatehabad has been filed.

[5]. Perusal of the aforesaid status report would provide the description of investigation as under:-

“a. That after registration of above-mentioned FIR, investigation was entrusted to ASI Kapil Dev, I/C Police Post Dariyapur. On 17.06.2019, investigating officer issued notice under Section 41(1) Cr.P.C to petitioner for joining the investigation of above-mentioned FIR. That notice was served to petitioner's wife Kamlesh who signed the notice. Petitioner was directed to join investigation on 18.06.2019 and 19.06.2019, but petitioner did not appear.

b. On 23.06.2019, investigation was entrusted to ASI Shishpal and on 16.07.2019, investigating officer issued another notice under Section 41(1) Cr.P.C to petitioner for joining the investigation of above-mentioned FIR. That notice was served to petitioner's daughter partyaksh who signed and received the notice. Petitioner was directed to join investigation on 21.07.2019, but petitioner did not appear.

c. On 15.08.2019, investigating officer raided on the

house of petitioner and found that neither petitioner nor petitioner's wife & daughter were present on spot.

d. On 01.10.2019, during the course of investigation, investigating officer ASI Surya Kant joined complainants (respondents No.5 to 7) into investigation and complainant Tirlok Chand (respondent No.5) produced the original cheque number 022099 dated 06.07.2017 of Rs.6 lacs issued from account number 724501010050059 of Union Bank of India Rania, which was taken into possession vide seizure memo. Complainant Tirlok Chand (respondent No.5) also produced one CD containing the conversation of petitioner with complainant Tirlok Chand. Complainant Bhagwan Das (respondent No.6) produced the original cheque number 022098 dated 02.08.2017 of Rs.9 lacs issued from account number 724501010050059 of Union Bank of India Rania, which was into possession vide seizure memo. Complainant Shyam Lal (respondent No.7) produced the original cheque number 022100 dated 11.07.2017 of Rs.6 lacs issued from account number 724501010050059 of Union Bank of India Rania, which was taken into possession vide seizure memo.

e. On 05.10.2019, investigating officer conducted raid at the residence of petitioner, but petitioner could not be apprehended. Investigating officer also obtained the opening form as well as account statement of account number 724501010050059 of Union Bank of India Branch Rania which was taken into police possession

vide seizure memo.

f. On 16.12.2019, investigating officer again conducted raid on the house of petitioner, but petitioner could not find. Inquiry was also conducted from Joginder Kumar (neighbor of petitioner) who assured investigating officer that he would inform investigation officer as & when petitioner would reach at home.

g. On 18.12.2019, during the course of investigation, any complicity of 2 co-accused namely 1. Navjot (daughter of petitioner) and 2. Kamlesh (wife of petitioner) was not surfaced and both co-accused were found innocent. Investigation conducted by investigating officer was also verified by Shri Prahlad Singh, Inspector/SHO Police Station Sadar Fatehabd, District (Haryana) and present petitioner was found real culprit.

h. On 30.12.2019, investigating officer ASI Surya Kant, I/C Police Post Dariyapur again conducted raid on the house of petitioner, but petitioner could not be traced. Inquiry was also conducted from Paramjeet (neighbor of petitioner) who apprised investigating officer that he he had not seen Rajender Kumar (petitioner) in the village from long time.

i. After making due & sincere efforts to arrest petitioner, when petitioner could not be arrested, then on 10.01.2020, investigating officer got issued warrant of arrest from Ld. Court of Mrs. Archana Yadav, ACJM, Fatehabad (Haryana) for 27.01.2020.

j. On 20.01.2020, investigating officer again conducted raid on the house of petitioner, but house of petitioner was locked. Inquiry was also conducted from Maghar Singh (Ex. Member of Panchayat) and Jarnail Singh (Watchman) regarding the whereabouts of petitioner, but both of them expressed ignorance about the whereabouts of petitioner. Investigating officer apprised them about the date 27.01.2020 on which petitioner has to appear before Ld. Court of ACJM Fatehabad (Haryana).

k. On 25.01.2020, investigating officer again conducted raid on the house of petitioner, but petitioner was not found. In the house of petitioner, 2 persons namely 1. Kamlesh wife of Rajender Kumar and 2. Jarnail Singh (Watchman) were found present. Investigating officer enquired about the whereabouts of petitioner, but both of them expressed ignorance about the whereabouts of petitioner. Investigating officer apprised them about the date 27.01.2020 on which petitioner has to appear before Ld. Court of ACJM Fatehabad (Haryana).

l. On 27.01.2020, investigating officer got issued another warrant of arrest from Ld. Court of Sh. Ishwar Dutt, ACJM Fatehabad (Haryana) for 07.03.2020.

m. On 24.02.2020, investigating officer again conducted raid on the house of petitioner, but petitioner was not found. In the house of petitioner, 2 persons namely 1. Kamlesh wife of Rajender Kumar and 2. Jarnail Singh (Watchman) were found present. Investigating officer enquired about the whereabouts of

petitioner, but both of them expressed ignorance about the whereabouts of petitioner. Investigating officer apprised them about the date 07.03.2020 on which petitioner has to appear before Ld. Court of ACJM Fatehabad (Haryana).

n. Again on 04.03.2020, investigation officer again conducted raid on the house of petitioner, but petitioner could not be traced out.

o. When petitioner could not be arrested despite of due diligence of investigating officer, then on 07.03.2020, investigating officer requested Ld. Area Magistrate (Sh. Ishwar Dutt, ACJM Fatehabad) to issue proclamation under Section 82 Cr.P.C against present petitioner and Ld. Court of ACJM Fatehabad (Haryana) issued proclamation for 20.04.2020.”

[6]. In view of aforesaid factual position, no ground is made out to interfere in the present petition.

[7]. Dismissed.

18.01.2021

Prince

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No