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

CRM-M No. 2651 of 2022
Date of Decision: 28.01.2022

Rajbir Singh

-Petitioner

Versus

State of Punjab

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. A.P.S. Srawaan, Advocate,
for the petitioner.

RAJ MOHAN SINGH, J. (Oral)

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

First anticipatory bail i.e. CRM-M No.11827 of 2020
was dismissed by passing the following order:-

*“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.”

Petitioner has again approached this Court by way of second anticipatory bail on the ground that interim order dated 20.03.2020 passed in the earlier petition could not be complied with due to some mis-conception.

Admittedly, the petitioner did not join the investigation in pursuance of interim order dated 20.03.2020 passed in the earlier petition.

Earlier petition was dismissed when learned counsel for the petitioner submitted that despite his repeated communications to the petitioner even through his father, petitioner did not respond. In view of aforesaid circumstances, earlier bail petition was dismissed.

No consideration can be made in the present petition on the ground of mis-conception.

Dismissed.

28.01.2022

Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

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