

CRM-M-4747-2020

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

CRM-M-4747-2020

Date of decision: 31.01.2022

Rakesh Bhati

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Sanjeev Majra, Advocate,
for the petitioner.

Mr. Ashok Singh Chaudhary, Addl. A. G. Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this petition, the petitioner seeks anticipatory bail in case bearing FIR No.322 dated 18.09.2019, registered at Police Station DLF Phase-II, Gurugram, under Sections 420 and 120-B IPC and Section 3 of the Haryana Protection of Interest of Depositors in Financial Establishment Act, 2013.

Vide order dated 03.02.2020 passed by a Coordinate Bench, the petitioner had been granted *ad interim* pre-arrest bail and directed to join investigation.

Perusal of the record would show that the case was adjourned number of times on the basis of the assertion made by the learned State counsel, on instructions from the Investigating Officer(s) that although the petitioner had joined investigation yet he was not cooperating with the investigating agency.

Learned counsel for the petitioner submits that pursuant to the

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order dated 03.02.2020 passed by the Coordinate Bench, the petitioner has joined investigation. Learned counsel has also e-mailed a copy of the acknowledgment/receipt duly signed by ASI Arjun Singh, to assert that the petitioner has joined investigation. A photocopy of the same is taken on record.

Learned State counsel, on instructions from ASI Arjun Singh, submits that although the petitioner has joined investigation, yet he is not cooperating with the Investigating Agency. He has also relied upon the *Pairvi* Report dated 29.01.2022 in this regard.

Keeping in view the fact that the petitioner has joined investigation and the said fact has duly been authenticated by ASI Arjun Singh, Investigating Officer, as would decipher from the acknowledgment/receipt, the present petition is allowed and the order dated 03.02.2020 granting interim bail to the petitioner, is made absolute, subject to the conditions envisaged in Section 438 (2) Cr.P.C.

Before parting with the order, it is worth mentioning that earlier also this Court has noticed in umpteen number of cases the factum that despite the directions given to the accused to join investigation, the Investigating Officers, like ASI Arjun Singh, pass on instructions to the office of the Advocate General that although the accused has joined investigation, but he is not cooperating with the investigating agency. As a matter of fact, such a mechanism on the part of the Investigating Officer has become a growing tendency in the recent past.

The instant case is a classic example of the lacklustre approach and investigational apathy on the part of the Investigating Agency. On the

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one hand, the counsel for the petitioner has produced an acknowledgement/receipt issued by the Investigating Officer, mentioning therein that the petitioner has joined the investigation, on the other, while sending the Pairvi report, the Investigating Officer has stated that although the petitioner had joined investigation, yet he was not cooperating with the investigating agency.

On 13.03.2020, 14.09.2021 and 22.11.2021, ASI Arjun Singh also stated that the petitioner was not cooperating with the Investigating Agency.

However, on a perusal of the acknowledgment/receipt, it is apparent that the Investigating Officer did not mention even a single word about the petitioner's not cooperating with the Investigating Agency. Ironically, in the Pairvi report, he has taken a contrary stand. Thus, such kind of act and conduct of the Investigating Officers in the State of Haryana, especially in the Gurugram District, is highly deplorable.

As such, the learned State counsel is directed to impress upon the Director General of Police, Haryana, and the Commissioner of Police, Gurugram, to look into the conduct of such Investigating Officers.

31.01.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No