

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

(Heard through VC)

CRM-M-12968 of 2019 (O&M)

Date of Decision: February 03, 2022

Rajan @ Vipin Jangra

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- None for the petitioner.

Mr. Kuldeep Tiwari, Addl. AG Haryana.

Mr. K.P. Singh, Advocate
for the complainant.

JAISHREE THAKUR, J. (Oral)

This is a petition that has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.80 dated 08.02.2019, registered under Sections 420, 406, 120-B of Indian Penal Code at Police Station City Sirsa, District Sirsa.

In brief, the facts of the case are that the aforesaid FIR came to be registered against the petitioner and others for duping the complainant for a sum of Rs.50 lacs along with 79 grams of gold. By an order dated 20.03.2019, the petitioner herein had been directed to join the investigation and cooperate. Thereafter, learned counsel for the respondent-State submitted that the petitioner had joined the investigation, however, the

investigation was still under progress. The matter was then taken up on 12.03.2020, on which date learned State counsel submitted that the petitioner despite being called to join the investigation, was not cooperating. This submission was controverted by the counsel appearing on behalf of the petitioner by submitting that the petitioner had joined the investigation, but had not given his consent for the voice sample before the trial court. Thereafter, the Coordinate Bench of this Court had directed the petitioner to report before the Investigating Officer on 13.03.2020 at 1.00 a.m. As the petitioner could not join the investigation, he moved an application seeking permission to join the investigation in terms of the orders passed by this Court. The matter was then adjourned from 08.07.2021 and thereafter, on 06.09.2021, it was submitted that the petitioner was not well and could not join the investigation in terms of the orders passed by this Court and prayed for another opportunity, which was allowed. Again, the matter was listed for 20.09.2021 and the State counsel informed the Court that the petitioner still not cooperating. The State counsel was asked to file an affidavit with regard to the role and *prima facie* material against the petitioner and the matter then listed for 03.11.2021 and subsequently, adjourned to 16.12.2021. It was subsequently taken up for hearing on 05.01.2022, on which date no one put in an appearance on behalf of the petitioner and same is the position today.

A reply has been filed by way of affidavit of Mr. Aryan Chaudhary, DSP (HQ), Sirsa, in which it is categorically stated that the police had moved an application before the trial court for taking the voice sample of the petitioner-accused, which application was allowed by the trial

court and the petitioner was directed to appear on 29.11.2021 for giving his voice sample, but he did not put in appearance. Thereafter, he was again directed to give his voice sample on 13.12.2021, which orders were not complied with.

Counsel for the respondent-State would point out that the petitioner had been given two other opportunities to present himself for giving his voice sample, but the petitioner has failed to present himself for the same.

I have heard learned State counsel and have also gone through the pleadings of the case.

In view of the fact that the petitioner herein is not cooperating with the investigation, despite giving number of opportunities by this Court, apart from giving the voice sample, as directed by the trial court. Under these circumstances, once the petitioner is not obeying the directions given by this court and by the trial court as well, this court is not inclined to grant any concession of anticipatory bail to him. Accordingly, the instant petition is hereby dismissed.

February 03, 2022
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No