

**101+206 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-20717-2022 in/and
CRM-M-16534-2022**

Date of Decision:13.07.2022

RajanPetitioner

Vs.

State of Punjab and anotherRespondents

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr.Stephen Marth, Advocate for
Mr. Hitesh Verma, Advocate,
for the applicant/petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

AMOL RATTAN SINGH, J. (Oral)

On 22.04.2022, the following order had been passed by this
court:-

“Learned counsel for the petitioner submits that though this is the 3rd such petition filed by the petitioner seeking to be admitted to anticipatory bail under the provisions of Section 438 of the Cr.P.C., upon FIR No. 47 having been registered at Police Station Dasuya, District Hoshiarpur, on 24.03.2021, alleging therein the commission of offences punishable under the provisions of Sections 379-B/323/427 of the IPC, the matter has thereafter been compromised between him and his co-accused with the complainant in the FIR, i.e. Jagat Singh, as per the compromise deed Annexure P-2.

He further submits that though the translated version of the said compromise deed does not show the petitioners' name to be reflected therein, however, the photocopy of the original vernacular of the said deed, duly reflects his name as Rajan Kumar, son of Subhash Chander (at page no. 34 of the petition).

That being so, though the first such petition filed by the petitioner, i.e. CRM-M-17415-2021, was dismissed on 27.04.2021, notice of motion is issued.

On the asking of the court, Mr. Rana Harjasdeep Singh, D.A.G., Punjab, accepts notice on behalf of the respondent-State.

A copy of the petition be given to learned State counsel by counsel for the petitioner today itself.

Notice therefore be issued to respondent no. 2, returnable on 05.07.2022.

In the meanwhile, upon the petitioner joining investigation within 10 days from today, in case he is sought to be arrested, he would be released on bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Ilaqa Magistrate.

He shall also comply with the conditions stipulated in Section 438(2) of the Cr.P.C.

If the arresting officer does not join the petitioner in investigation, he would appear before the learned Ilaqa Magistrate immediately, who would then summon the arresting officer and direct him to join him in investigation, in terms of the order of this court.

Respondent no. 2 would also appear before the learned Area Magistrate concerned to get recorded any statement that he wishes to as regards the compromise stated to have been reached between him and the petitioner, up-to 25.05.2022, with the learned Area Magistrate to naturally first ensure the identity of respondent no. 2, i.e. the complainant in the FIR, and to also ensure that the petitioner is not present at the time that any such statement is made by respondent no. 2 before that court.

A report in that regard be sent to this court before the next date of hearing.

An affidavit be also filed on behalf of the respondent State by a gazetted officer, as to whether there are any other criminal cases registered against the petitioner.”

On 25.05.2022, the petitioner filed CRM-19269-2022, seeking extension of time to join investigation.

On that application being filed the following order was passed by this court on 25.05.2022, after reproducing therein the order dated 22.04.2022:-

“Today, this application has been filed by the petitioner seeking extension of time to join investigation before the investigating officer in terms of the aforesaid order, this application having been filed on 18.05.2022, i.e. almost 1 month later.

As per the report of the Registry as regards notice of motion ordered to be issued on 22.04.2022, such notice could not be issued to respondent no.2, with even the process fee not filed by the petitioner.

That being so, this application is dismissed.

On 02.06.2022, learned counsel for the applicant had been asked to place on record the statement of the complainant as was to be recorded before the learned Area Magistrate concerned, in terms of the order dated 22.04.2022 passed by this court. Hearing in the matter had been adjourned to 08.06.2022, but with counsel for the petitioner having sought an adjournment before the bench concerned (vacation bench), hearing in the matter was adjourned to 05.07.2022.

On that date since I was not holding court, the case was adjourned for hearing to 12.07.2022, i.e. yesterday.

Yesterday, the turn of the matter came up after 4:00 p.m. and consequently since counsel for the petitioner was not present, hearing was adjourned till today, to be taken up at 1:45 p.m.

Today, another request for an adjournment has been made on behalf of counsel for the petitioner on the ground that he is suffering from Covid-19 like symptoms.

Learned State counsel, on instructions ASI Bhupinder Singh, had informed this court that the petitioner still had not joined investigation.

Today, learned counsel submits that the petitioner has attempted to join investigation many times but that the investigating officer is not letting him join investigation.

That contention is found to be wholly baseless in view of the fact that at the time that he was directed to join investigation vide the order dated 22.04.2022, it had been specifically stated that if the arresting officer does not join him in the investigation he would appear before the Ilaqa Magistrate concerned, who would then summon the investigation officer and ensure that the petitioner is joined in the investigation.

Obviously, the petitioner did not do even that and in fact even more than one month later, i.e. on 25.05.2022, he had sought extension of time to join investigation.

That being so, though otherwise this court would naturally not pass any adverse order in view of the fact that counsel for the petitioner is stated to be suffering from “Covid-19 like symptoms”, I see no reason to continue with this petition in the entire circumstances of the case, which is consequently dismissed, with the interim order obviously vacated.

July 13, 2022

dharamvir

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned : YES
Whether Reportable : YES