

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

214

CRM-M-27427-2022

Date of Decision : **July 25, 2022**

DEEPAK SINGH

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Ram Bilas Gupta, Advocate
for the petitioner.

Mr. Ranvir Singh Arya, Addl. Advocate General, Haryana.

Mr. J.S.Thind, Advocate
for the complainant.

JASGURPREET SINGH PURI. J. (Oral)

The present petition is filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No. 20 dated 21.1.2022 under Sections 420, 417, 406, 120-B IPC and subsequently added Sections 467, 468, 471, 120-B IPC, registered at Police Station Ellenabad, Distt. Sirsa.

The learned counsel for the petitioner has submitted that the petitioner was directed to join the investigation vide order dated 1.7.2022 and again vide order dated 4.7.2022 he was directed to join the investigation on 20.7.2022 at 10.00 a.m., sharp and thereafter the interim protection was extended till today only. He submitted that the petitioner has not joined the investigation and another opportunity may be granted to him. He further submitted that the reason for non-joining of the

investigation was that the co-accused who had joined the investigation were not treated properly by the police and there was an apprehension in this regard.

On the other hand, the learned State counsel has submitted that it is a case where the allegations against the petitioner and the other co-accused are that they had made a fake company in the name of Kissan Agro Bazaar and they have been looting people by taking money from them on the pretext that they will give franchise to them for opening of some outlets in furtherance of the business and took lacs of rupees from them but infact the company was a fake company. He further submitted that the association of the petitioner with the complainant has also been caught in the CCTV footage and the petitioner is also involved in 3 more cases in different States including Uttar Pradesh and Rajasthan.

The learned State counsel further brought to the notice of this Court that on 27.6.2022, the learned counsel for the petitioner had voluntarily submitted that he might hand over some amount by the next date and this Court had observed that given above there shall be stay of arrest till the next date and further observed that in case the petitioner resiled from his offer then the stay shall be automatically vacated without any further orders. Thereafter, the interim order was directed to be continued till the next date of hearing and on 1.7.2022 when the matter came up for hearing before this Court, the learned counsel for the petitioner submitted that the demand draft of Rs.2 lacs was ready and was willing to hand over to the complainant. However, this Court had directed that before the demand draft is accepted, the petitioner is to join

the investigation on 2.7.2022 and 3.7.2022 at 10.00 a.m. Interim order was also directed to be continued till the next date of hearing subject to the petitioner joining the investigation. It was further directed by this Court that in case the petitioner failed to do so, then ipso facto on this ground alone the interim protection shall be vacated. Thereafter, when the matter came up for hearing before this Court on 4.7.2022, the learned counsel for the petitioner had stated that he had brought a demand draft of Rs.2 lacs and had handed over the same to the learned proxy counsel appearing on behalf of the complainant. However, he did not join the investigation as the learned counsel had stated that the petitioner had been detected Covid-19 positive and also handed over some medical documents in this regard. This Court in view of the aforesaid position had, therefore, again directed the petitioner to join the investigation specifically on 20.7.2022 at 10 a.m. sharp and the interim protection was extended till the next date only. However, when the matter came up for hearing today, again the learned counsels for the parties have submitted that the petitioner has not joined the investigation. The Ld. State counsel submitted that the explanation given by the learned counsel for the petitioner is not acceptable in view of the fact that in case the petitioner was facing any difficulty then he could have moved an appropriate application before this Court. He further submitted that the petitioner has deliberately and repeatedly violated the orders passed by this Court and no further opportunity may be granted.

Learned counsel for the complainant has submitted that the petitioner has cheated not only the complainant but many other persons

for lacs of rupees and the total amount due from the petitioner was about 12 lacs.

I have heard the learned counsels for the parties.

This Court had granted interim protection to the petitioner and a number of times directed him to join the investigation. The first order granting interim protection to the petitioner was on 27.6.2022. On 1.7.2022, this Court had also directed that in case the petitioner failed to join the investigation then ipso fact on this ground alone the interim protection shall be vacated. However, on 4.7.2022, this Court was apprised by the learned counsel for the petitioner that the petitioner was detected Covid-19 positive and, therefore, this Court extended the interim order but again directed him to join the investigation on 20.7.2022 at 10 a.m. sharp. Today, again it has been brought to the notice of this Court by the learned counsel for the parties that the petitioner failed to join the investigation. The explanation given by the learned counsel for the petitioner that the other two co-accused who had joined the investigation were not properly treated by the IO is not sustainable and no justifiable reason has come forth from the petitioner as to why he has not joined the investigation despite the interim protection granted by this Court. Apart from the same, the petitioner is also involved in 3 more FIRs of similar nature where the allegations are pertaining to taking money on the pretext of giving franchise on the basis of a fake company.

Therefore, in view of the aforesaid facts and circumstances of the case, this Court is of the view that the conduct of the petitioner would disentitle him for the grant of anticipatory bail since he has failed

to join the investigation despite repeated directions issued by this Court.

Consequently, the present petition is, hereby, dismissed.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

(JASGURPREET SINGH PURI)
JUDGE

July 25, 2022
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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No