

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

Sr. No.207

CRM-M-36172-2021

Date of decision: 05.05.2022

Monu

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Narinder S. Lucky, Advocate
for the petitioner.

Ms. Gunkirat Kaur, AAG, Punjab.

* * *

DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.97 dated 18.05.2021 registered under Sections 376 and 120-B IPC at Police Station Phase-1, District SAS Nagar.

The petitioner is being prosecuted under Sections 376 and 120-B IPC.

On 03.09.2021, this Court had passed the following order:-

“Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.97 dated 18.05.2021 under Sections 376 and 120-B IPC registered at Police Station, Phase-1, District SAS Nagar.

Learned counsel contends that a perusal of the FIR in question leaves no manner of doubt that no offence much less under Section 376 IPC is made out against the petitioner and his name has been dragged only because he happens to be a friend of the main accused Manjit Singh who allegedly raped his aunt i.e.

the prosecutrix. Learned counsel submits that the prosecutrix was the estranged wife of the co-accused Manjit Singh's uncle and was staying at Mohali. The petitioner had just accompanied his friend i.e. accused Manjit Singh with the son of the prosecutrix to her house at Mohali. While at Mohali, the petitioner had taken the son of the prosecutrix to a shop and it was during that time the coaccused Manjit Singh allegedly committed rape upon the prosecutrix.

Notice of motion for 12.01.2022.

Meanwhile, the petitioner is directed to join the investigation and appear before the investigating agency as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.PC.”

In pursuance to the afore-quoted order, the petitioner did not join investigation and therefore, on 13.01.2022, the following order was passed by this Court:-

“Learned State counsel on instructions from ASI Sukhwinder Singh submits that there has been non compliance of the order dated 03.09.2021, vide which the petitioner was directed to join investigation.

One last opportunity is granted to the petitioner to join investigation, failing which interim order dated 03.09.2021 shall stand vacated on the next date of hearing.

Adjourned to 05.05.2022.

Interim order to continue.”

Even after the passing of the afore-quoted order dated 13.01.2022, the petitioner has not joined the investigation.

In the light of the above uncooperative conduct of the petitioner and because, as per the learned counsel appearing for him, he is also not responding to his communications, the petitioner has disentitled himself to be granted the concession of anticipatory bail.

Dismissed.

May 05, 2022
Jyoti 1

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No