

**CRM-M-40695-2021
Date of decision-18.04.2022**

Rajen Pandey

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Kartik, Advocate for
Mr. Baljeet Beniwal, Advocate,
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J. (Oral)

Petitioner has approached this Court under Section 438 Code of Criminal Procedure to seek anticipatory bail in case FIR No.231 dated 14.07.2021, under Sections 406 and 418 of Indian Penal Code, 1860 (Sections 420, 379, 411, 506 and 120-B of IPC, 1860 added later on and Section 418 IPC was deleted) registered at Police Station Gadpuri, Palwal, District Palwal, who apprehends his arrest at the hands of Police.

Upon hearing the learned counsel for the petitioner as well as learned State counsel on 17.01.2022, following order was passed by this Court:-

*“On 29.09.2021, the following order was
passed:-*

“Learned counsel contends that as per the complainant,

he supplied material pursuant to the purchase order dated 05.07.2021 given by the petitioner and the said material was delivered on 08.07.2021. He states that as per the purchase order, payment was to be made on 12.07.2021, but on 14.07.2021, the present FIR was lodged. He submits that his sons have been arrested and the above mentioned material has already been recovered.

Notice of motion for 08.10.2021.”

Learned State counsel has referred to the reply filed by way of affidavit of Anil Kumar, HPS, Deputy Superintendent of Police, Palwal District Palwal and submits that during investigation, the existence of H.F. Infrastructure (company of the petitioner), was verified and as per the report, no such company existed at the address where the material was unloaded.

At this stage, learned counsel for the petitioner has argued that the company is very much in existence, and is having its GST number also. According to him, as the roads were not in proper condition, therefore, the material was got unloaded at a different place. He further submits that the petitioner is willing to settle the dispute with the complainant.

Adjourned to 18.04.2022.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Today, learned State counsel on instructions from ASI Sunil

Kumar has stated that despite a clear direction given to the petitioner to join the investigation, the same has not been complied with by him.

At this Stage, learned counsel for the petitioner states that for some unavoidable reason, the petitioner could not join the investigation, who further prays that he may be granted some more time for joining the investigation.

After hearing learned counsel for the parties and considering their respective stand, this Court finds that in para 12 of the petition, the petitioner had expressed his readiness and willingness to join the investigation, but despite the directions issued by this Court, he has failed to do so. Apart from it, the reply filed by the State by way of affidavit dated 11.10.2021, reveals that the petitioner is also involved in three more different cases of cheating i.e. FIR No.1963 dated 06.10.2019, u/s 420, 467, 468, 471, 406, 506, P.S. Kavi Nagar, Gaziabad (UP); FIR No.622 dated 27.10.2018, u/s 420, 406, 506 IPC, PS Bidhnu, District Kanpur (UP) and FIR No.643 dated 25.11.2019, u/s 420, 406 IPC, PS Bidhnu, District Kanpur (UP).

Since the petitioner has failed to give any satisfactory reason for not complying with the order dated 17.01.2022, this Court is not inclined to grant further time to him for joining the investigation, therefore, the petition fails and is dismissed.

(MANOJ BAJAJ)
JUDGE

18.04.2022
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No