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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-41693-2020
Date of Decision: 01.04.2022

Rocky Kumar

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Yuvraj Singh, Advocate for,
Mr. Manoj Kumar Pundir, Advocate, for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

Mr. Nandan Jindal, Advocate for the complainant.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail to the petitioner in FIR No.157 dated 24.10.2020, under Section 379 IPC, registered at Police Station Sadar Jagadhri, District Yamuna Nagar, Haryana.

At the outset, Mr. Naveen Singh Panwar, learned Deputy Advocate General, Haryana has submitted on instructions from SI Mohan Lal that the petitioner has not joined investigation despite directions issued by this Court while granting him interim protection. He further submitted that it was only on one instance that he had come to join investigation but he never cooperated with the investigation process and thereafter he was

again directed to join but he has since failed to join investigation.

When a query was put to the learned counsel for the petitioner as to why the petitioner has not joined investigation, he submitted that he has not been able to contact the petitioner and, therefore, he has no instructions in this regard.

I have heard the learned counsel for the parties.

A perusal of the order dated 11.12.2020 would show that when notice of motion was issued by this Court the petitioner was directed to join the investigation and to comply with the conditions contained in Section 438 (2) Cr.P.C. Thereafter on 27.08.2021 the interim order was directed to be continued since the learned counsel for the petitioner had sought some time to place on record some application. Thereafter on 22.11.2021 although the learned counsel for the petitioner had submitted that the petitioner had joined the investigation but the State had denied the same and learned counsel for the petitioner had sought one more opportunity for joining the investigation and, therefore, the interim order was directed to be continued. Thereafter again on 21.03.2022 the petitioner was directed to join investigation again but as per the learned State counsel he has not joined and as on that date the counsel for the petitioner had sought time to argue the matter. Today, Mr. Yuvraj Singh, Advocate has appeared on behalf of Mr. Manoj Kumar Pundir, Advocate, for the petitioner and has submitted that he has not been able to contact the petitioner and he has not joined the investigation. The petitioner once joined the investigation but did not cooperate and has only made an empty formality which do not mean that he is entitled for any further right for continuation of the interim orders. Since the petitioner has failed to comply with the orders passed by this Court in

letter and spirit, the present petition is liable to be dismissed.

Consequently, the present petition is dismissed. The interim order dated 11.12.2020 stands vacated.

01.04.2022

rakesh

(JASGURPREET SINGH PURI)

JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No