

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

204

CRM-M-724-2023 (O&M)
Date of decision: 13.09.2023

Sandeep @ Sillu

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Mandeep Nehra, Advocate for
Mr. Sanpreet Sandhu, Advocate for the petitioner.

Mr. Rupinder Singh Jhand, Addl. AG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

This petition has been filed by the petitioner under Section 438 Cr.P.C. seeking anticipatory bail in case FIR No.1042 dated 19.12.2022 under Sections 22-B/27-A of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station City Yamunanagar, District Yamunanagar.

Vide order dated 06.02.2023 passed by a Coordinate Bench, ad interim anticipatory bail was granted to the petitioner.

Learned counsel for the petitioner submits that pursuant to the order passed by a Coordinate Bench, the petitioner went to the police station but he was not allowed to join the investigation.

Learned State counsel on the instructions from ASI Pawan submits that ad interim anticipatory bail was granted to the petitioner way

back on 06.02.2023, but despite giving two opportunities, he has not joined the investigation. However, on 16.05.2023 there was no representation on behalf of the petitioner, even then another opportunity was given to him to appear before the Investigating Officer on 29.05.2023 at 11.00 am. He further submits that notice was also issued to the petitioner to join the investigation by the concerned Investigating Officer.

I have heard the learned counsel for the parties.

As notice above, even after availing two opportunities, the petitioner has not joined the investigation.

The petitioner did not join the investigation for the reasons best known to him and thereby flouted the orders passed by the Coordinate Bench. It is not open to a petitioner/accused to dictate the terms of appearance before the trial Court or the Investigating Officer, when a specific direction was issued in the order. If the petitioner/accused wilfully flout the order of this Court, he cannot expect any equitable relief from the Court and he must be made to bear the consequences of his action. After having obtained an order, the petitioner cannot be allowed to sleep over its compliance.

In view of the above, the present petition is dismissed.

(HARNARESH SINGH GILL)
JUDGE

13.09.2023
Mangal Singh

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No