

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M No.3541 of 2023

Date of Decision : 18.12.2023

Mohd. Aarif Tufani

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : None for the petitioner.

Mr. Jashandeep Singh, AAG Punjab.

ALKA SARIN, J. (Oral)

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.180 dated 08.12.2022 under Sections 307, 354, 341, 323, 506, 148 and 149 of the Indian Penal Code, 1860 registered at Police Station City-2 Malerkotla, District Malerkotla.

2. On 23.01.2023 the following order was passed :

“The present petition is for grant of anticipatory bail to the petitioner in FIR No.180 dated 08.12.2022 under Sections 307, 354, 341, 323, 506, 148 and 149 of IPC, registered at Police Station City-2 Malerkotla, District Malerkotla.

Learned counsel for the petitioner submits that as per the allegations in the FIR, the petitioner gave an iron rod blow on the person of the complainant, however, the MLR records that the injury attributed to

the petitioner is simple in nature.

Notice of motion.

On the asking of the Court, Mr. Arun Gupta, AAG, Punjab, accepts notice on behalf of the respondent-State.

Learned State counsel, on instructions from ASI Sohan Lal, has submitted that grievous injury has been caused by the main accused Ali, who is already in custody.

Learned counsel for the petitioner has relied upon the order dated 17.01.2023 passed by this Court in CRM-M-2376-2023 in the case of Abdullah @ Dulla Vs. State of Punjab.

Adjourned to 23.03.2023.

In the meanwhile, the petitioner shall join investigation on 30.01.2023 at 11:00A.M. before the Investigating Officer and cooperate with the Investigating Agency even thereafter.

In the event of arrest, the petitioner be released on interim bail subject to furnishing personal/surety bonds to the satisfaction of the Arresting/Investigating Officer and the petitioner shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.”

3. Thereafter, the petitioner did not join the investigation and on 03.11.2023, the following order was passed :

“Learned counsel for the State has pointed out that

the petitioner has not joined investigation despite the last order dated 13.09.2023.

Matter has been called twice.

No one has put in appearance on behalf of the petitioner. In the interest of justice, adjourned to 18.12.2023.

Interim order to continue.

Registry to inform counsel for the petitioner as well as the petitioner on the mobile number as given in the memo of parties accordingly.”

4. Learned State counsel on instructions from SI Parmdin states that the petitioner has not joined the investigation.

5. As per note put by the Registry, the petitioner's mother has stated that the petitioner is missing from the last 04 months. The mobile numbers of the petitioner's counsel as well as of the petitioner were not reachable.

6. In view of the above, this Court is left with no other option but to dismiss the present appeal for non-prosecution.

7. Dismissed for non-prosecution. Pending applications, if any, also stand disposed off.

(ALKA SARIN)
JUDGE

18.12.2023
jk

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO