

CRM-M-5114-2022 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-5114-2022 (O&M)

Date of Decision: 16.01.2023

Pawan Kumar alias Kannu

... Petitioner

V/s.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present : Mr. Fatehjeet Singh, Advocate
for the petitioner.

Mr. Gurdarshan Singh Sandhu, AAG, Punjab.

DEEPAK MANCHANDA, J.(Oral)

This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No. 201 dated 15.09.2021, under Sections 323, 324, 34 IPC (Section 326 IPC added later on) at Police Station, Ram Manda, District Jalandhar Commissionerate.

As per the prosecution case, a deal was struck with Rajesh Kumar alias Raja for Rs. 18 lakhs to send him to Canada and he along-with passport took Rs. 1.50 lakhs from him in advance. But neither he was sent abroad, nor he could be contacted on his mobile. On 07.09.2011, Rajesh Kumar alias Raja met him and on being asked to send him abroad, he called him to Lakhan's house near Ravi Park. When he reached at Ravidass street near Ravi Park, Rajesh Kumar alias Raja alongwith Lakhan, Kannu and Kallu and other 14-15 persons were present there. Rajesh Kumar alias Raja

was armed with iron *khanda*, who gave a blow on his head, but the same landed on his right arm, thereafter, Lakhan gave an iron rod blow on the left flank of his chest, Kannu gave a *datar* blow on his right elbow and he fell down unconscious. Thereafter, other persons also inflicted him multiple injuries.

Vide order dated 06.04.2022, petitioner was directed to join investigation by furnishing bail bonds to the satisfaction of the arresting officer/investigating officer. Thereafter on 01.08.2022, the status report by way of affidavit of Ashwani Kumar (PPS), Assistant Commissioner of Police, Central, Jalandhar was filed by the State counsel, wherein it was stated that the petitioner did not join the investigation in the present case and accordingly one more opportunity was granted to him to appear before the concerned SHO/Investigating Officer on 22.08.2022 at 11.00 A.M. for the purpose of joining the investigation. The interim order was ordered to be continued till the next date of hearing.

The matter was adjourned to 22.09.2022 but on that date, no one put in appearance on behalf of the petitioner and matter was adjourned in the interest of justice.

Learned counsel for the petitioner fairly conceded that petitioner has not joined the investigation in spite of having been granted two opportunities for joining the investigation and interim protection already granted to him. Further, there are 08 more cases pending against him and he had been arrested in some other case and is in custody.

In view of the same, nothing remains to be adjudicated in the present case and the same is dismissed on this score only that in spite of

interim protection granted to the petitioner, he could not join the investigation regardless having been afforded two opportunities to do the same.

Petition stands dismissed accordingly.

(DEEPAK MANCHANDA)
JUDGE

16.01.2023
seema-

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes /No</i>