

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
203

CRM-M-16574-2023

Date of Decision: 13.09.2023

Jokhu Ram

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Namit Khurana, Advocate for the petitioner.

Mr. Arjun Lakhanpal, Addl. A.G., Haryana.

NIDHI GUPTA, J. (ORAL)

The petitioner has filed the present 1st petition under Section 438 Cr.P.C. seeking anticipatory bail in case FIR No. 217 dated 19.09.2022 registered under Sections 148, 149, 323, 379, 427, 452 and 354 IPC at Police Station Farakpur, District Yamuna Nagar.

On 31.03.2023, this Court had passed the following order :-

“Learned counsel for the petitioner inter alia submits that there has been delay in registration of FIR. She also submits that the FIR, in question, is in fact, a counter-blast to the complaint submitted by the petitioner against the complainant. Learned counsel further submits that the petitioner who is doing the business of selling clothes had appointed complainant and her associate as his agents for selling his articles, however, on account of some dispute

regarding payment, the FIR in question has been got registered against the petitioner.

Notice of motion for 18.05.2023.

In the meanwhile, the petitioner will join investigation before the Investigating Officer as and when called. In the event of arrest, the Arresting Officer would admit him to interim bail, till the next date of hearing, on his furnishing adequate bail and surety bonds to his satisfaction. The petitioner is also directed to abide by all the conditions as envisaged under Section 438 (2) of Code of Criminal Procedure, 1973.”

Learned counsel for the petitioner, *inter alia*, submits that the date of alleged incident is 29.08.2022; whereas the present FIR was registered on 19.09.2022 i.e. after 20 days of the alleged occurrence. He further submits that total false and frivolous allegations have been made against the petitioner and his daughter in the present FIR. It is also submitted that co-accused/daughter of the petitioner has also been granted the concession of interim bail by a co-ordinate Bench of this Court vide order dated 02.03.2023 (Annexure P-6). Learned counsel submits that in compliance of the order dated 31.03.2023 passed by this Court, the petitioner has joined the investigation and also undertakes that the petitioner shall re-join the investigation as and when required by the investigating agency.

Learned State counsel, on instructions from ASI Meena Rani, states that in terms of the order passed by this Court, reproduced above, though the petitioner has joined the investigation, but he is not

co-operating with the investigating agency.

In view of the above, the order dated 31.03.2023 granting interim bail to the petitioner is made absolute. The petitioner is again directed to join the investigation and co-operate with the investigation agency as and when called by the Investigating Agency to do so. However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C.

In case at any given point of time hereinafter, it is felt by the investigating agency that the petitioner is required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

13.09.2023

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**(NIDHI GUPTA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No