

CRM-M-22549-2022

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(201) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-22549-2022
Date of Decision: 31.05.2023

AMIT KUMAR @ LADI

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Nirmaljeet Singh Sidhu, Advocate
for the petitioner.

Ms. Ramta K Chaudhary, DAG, Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 438 Cr.P.C. is for the grant of anticipatory bail in case bearing FIR No.58 dated 26.04.2022 (Annexure P-1) registered under Section 379B IPC, 1860 at Police Station Phase 11, (SAS Nagar) Mohali, Punjab.

2. The present FIR came to be registered at the instance of Karan Chadha son of Vinod Chadha who stated that on 08.04.2022 at about 12.30 AM, he had booked a motorcycle ride on Rewit. After 10-15 minutes, a young man came and told his name as Amit Kumar @ Ladi (petitioner). He (complainant) sat on the motorcycle of Amit Kumar @ Ladi. On the way, Amit Kumar @ Ladi stated that he wanted to urinate and the motorcycle was stopped, then another person walked towards him (complainant). Amit Kumar @ Ladi and the other person gave beatings to him (complainant),

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snatched his mobile phone along with his purse containing money, ATM Card and an I.D. Card. Beatings were given to him (complainant). Legal action was sought.

3. The learned counsel for the petitioner contends that he has been falsely implicated in the present case. The FIR had been registered after a substantial delay of 18 days. Therefore, the prosecution case was doubtful and the petitioner was entitled to the grant of anticipatory bail.

4. On the other hand, the learned State counsel contends that despite interim bail having been granted to the petitioner, he has not joined investigation and that fact alone was sufficient to dismiss the present petition for the grant of anticipatory bail.

5. I have heard the learned counsel for the parties.

On 23.05.2022, the following order was passed:-

“The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.58 dated 26.4.2022, Police Station 11, (SAS Nagar) Mohali, under Section 379- B IPC, wherein the allegations are to the effect that the complainant had hired a motorcycle ride on ‘Rewit’ and that a person named Laddi came there after 10-15 minutes and he sat on the pillion seat. It is alleged that later Laddi stopped the motorcycle in order to urinate and shortly thereafter another person walked up and then Laddi and the said person gave beatings to him and snatched his mobile phone and also his purse containing ATM card and ID card.

Learned counsel for the petitioner submits that there is delay of 18 days in lodging of the FIR and no DDR etc.

whatsoever was ever lodged on the day of occurrence.

Notice of motion for 29.11.2022.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.”

On 29.11.2022, the following order was passed:-

“Learned State counsel has informed that despite specific directions issued by this Court on 23.5.2022 the petitioner has not joined investigation.

The petitioner is again directed to appear before the Investigating Officer on 20.12.2022 as well as on any other date as may be directed by the Investigating Officer and to cooperate with the same.

List again on 22.3.2023.

Interim directions, if any, to continue.”

On 22.03.2023, the following order was passed:-

“None appears on behalf of the petitioner.

In the interest of justice, adjourned to 21.05.2023.

Since the petitioner has not joined the investigation despite the orders dated 23.05.2022 and 29.11.2022, the aforementioned orders are vacated. The investigating agency is free to proceed in accordance with the law.”

6. Apparently, despite interim directions being issued in favour of the petitioner, he has chosen not to join investigation.

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7. In view of the above, I find no merit in the present petition.

Therefore, the same is hereby dismissed.

(JASJIT SINGH BEDI)
JUDGE

31.05.2023

JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No