

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

211

CRM-M-28929-2023 (O&M)

Date of Decision : 08.12.2023

RAMESH LAL @ DEEP

.... Petitioner

VERSUS

STATE OF PUNJAB & ANR.

.... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : None for the petitioner.

Mr. Adhiraj Singh Thind, AAG Punjab for respondent No.1.

None for respondent No.2.

ALKA SARIN, J. (ORAL)

1. No one has appeared on behalf of the petitioner today.
2. This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.0209 dated 06.10.2022 registered under Section 498-A of the Indian Penal Code, 1860 at Police Station City Gurdaspur, District Gurdaspur.
3. On 02.06.2023 the following order was passed :

"This is a petition under Section 438 Cr.P.C., seeking grant of pre-arrest bail in case FIR No.0209 dated 06.10.2022, registered under Section 498-A IPC at P.S. City Gurdaspur, District Gurdaspur.

2. Learned counsel for the petitioner contends that marriage between the parties was solemnized way back

in November, 2015, and two children were born out of the wedlock, The allegations have been leveled by the complainant/wife on account of temperamental issues. Besides, no entrustment of any dowry articles etc. has been alleged and nothing is to be recovered from the petitioner, He has no criminal antecedents, and is ready and willing to join the investigation.

3. *Notice of motion for 19.10.2023.*

4. *Mr. Jashandeep Singh, Assistant Advocate General, Punjab, appears and accepts notice on behalf of the respondent No.1-State.*

5. *In the meanwhile, the petitioner shall join the investigation as and when called upon to so by the Investigating Officer and in the event of arrest, he shall be released on interim bail to the satisfaction of Arresting Officer. The petitioner shall also abide by the conditions of Section 438(2) Cr.P.C."*

4. Learned counsel for the State, on instructions from ASI Parminder Singh, has stated that the petitioner has not joined investigation pursuant to the order dated 02.06.2023 and repeatedly efforts have been made to contact him. Learned counsel has further pointed out that though notices were also sent to the petitioner through telephone as well as through his counsel, namely, Bhavesh Mahajan, who is representing him before the Trial Court, but to no avail.

5. On 02.11.2023 the counsel appearing on behalf of the petitioner had withdrawn his vakalatnama as he was also unable to contact the petitioner. The Registry was directed to inform the petitioner on the mobile number as given in the memo of parties. As per the Officer report, the petitioner was called several times but could not be contacted as his mobile number was not available.

6. In view of the above, this Court is left with no other option except to dismiss this petition for non-prosecution and for non-compliance of the orders passed by this Court.

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

08.12.2023
Aman Jain

(ALKA SARIN)
JUDGE

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