

CRM-M-38292-2023 (O&M)

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102 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-38292-2023 (O&M)
Date of decision : 05.12.2023

Satish Chouhan

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present : Mr. Inderjit Sharma, Advocate,
for the petitioner.

Mr. C.L.Pawar, Additional Advocate General, Punjab,
for the respondent.

MAHABIR SINGH SINDHU, J.

Petition under Section 438 of the Code of Criminal Procedure, 1973 has been filed for grant of pre-arrest bail to the petitioner in FIR No.0033 dated 26.03.2016, under Sections 420, 467, 468 and 471 of the Indian Penal Code, 1860, registered at Police Station Division No.2, District Pathankot.

2. This Court after hearing learned counsel for the petitioner on 19.09.2023 passed the following orders:-

“Learned State counsel seeks time to have instructions regarding the status of FIR No.0033 dated 26.03.2016, under Sections 420, 467, 468, 471 of the Indian Penal Code, 1860, registered at Police Station Division No.2, Pathankot.

Posted for 18.10.2023.

In the meanwhile, petitioner shall join investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail, till the next date of hearing, on furnishing

adequate bail and surety bonds to his satisfaction. The petitioner shall also abide by all the conditions as envisaged under Section 438(2) of the Code of Criminal Procedure, 1973.

3. Despite the aforesaid orders, petitioner is not coming forward to join the investigation.
4. Faced with the above predicament, learned counsel for the petitioner submits that petitioner is facing another criminal case, i.e. FIR No.57 dated 18.05.2016, under Sections 420, 467, 468, 471 read with Section 34 IPC, registered at Police Station Division No.2, Pathankot, therefore, he did not join investigation.
5. Pendency of other criminal case is not a ground for the petitioner to escape his presence before the Investigating Officer.
6. As a result thereof, there is no option except to dismiss the petition.
7. Ordered accordingly.
8. Pending application(s), if any, shall also stand disposed off.

05.12.2023
adhikari

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No