

215 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Neutral Citation No. 2023:PHHC:144614
CRM-M-40796-2023
Date of Decision: November 15, 2023

Jaswinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Ms. Manpreet Ghuman, Advocate for the petitioner.

Mr. R.S. Khaira, DAG, Punjab.

Mr. Gagandeep Singh Virk, Advocate for the complainant.

DEEPAK GUPTA, J.(Oral)

On 21.08.2023, following order was passed by this Court:-

“Learned counsel for the petitioner has drawn attention towards Annexure P-3 which is copy of the order dated 15.06.2023 passed by a co-ordinate Bench of this Court in CRM-M-30596-2023 pertaining to the coaccused in the same FIR.

Order dated 15.06.2023 passed by a co-ordinate Bench of this Court in CRM-M-30596-2023 reads as under:

“Learned counsel appearing on behalf of the petitioner, inter alia, contends that the dispute is inter se between the family members and the allegation is solely with respect to the petitioner having broken the lock and made an entry into the disputed property. He further contends that the petitioner has no criminal antecedents and that nothing is to be recovered from him and is ready and willing to join investigation as and when required. Moreover, there is a dispute with respect to the ownership and possession of the plot inter se amongst the parties.

Notice of motion returnable for 21.09.2023.

In the meanwhile, the petitioner is directed to join investigation as and when so required by the Investigating Agency. In the event of petitioner joining investigation, he shall be admitted to interim bail by the arresting officer/ investigating officer on furnishing of bail bonds by him to the satisfaction of the arresting

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officer/investigating officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Learned counsel contends that case of the petitioner is on same footing.

Notice of motion.

Mr. M.S. Nagra, AAG, Punjab accepts notice on behalf of respondent- State. Let status report be filed on 21.09.2023. In the meanwhile, the petitioner is directed to join investigation as and when so required by the Investigating Agency. In the event of petitioner joining investigation, he shall be admitted to interim bail by the arresting officer/investigating officer on furnishing of bail bonds by him to the satisfaction of the arresting officer/investigating officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Petitioner was granted repeated opportunities to join the investigation. He failed to do so.

Today, again it is informed by learned State counsel that petitioner has not joined the investigation. Rather, petitioner has approached the Trial Court for joining the investigation before the Magistrate. Said fact is conceded by learned counsel for the petitioner.

It is not explained that after filing of the petition before this Court and getting interim relief, how the application before the Magistrate could have been filed.

In fact, the petitioner does not pay interest to join the investigation.

As such, the present petition is dismissed.

November 15, 2023

sarita

(DEEPAK GUPTA)

JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No