

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

208 CRM-M-54591-2022
Date of Decision: 08.08.2023

Sanjeev Kumar and anotherPetitioners

V/s

State of HaryanaRespondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Arvinder Arora, Advocate, for the petitioners.
Ms. Ambika Sood, Addl. Advocate General, Haryana

FIR No.	Dated	Police Station	Section/s
401	08.09.2022	Civil Lines, District Kaithal	406, 420, 120B IPC

VIKAS SURI, J. (Oral)

1. The petitioners have filed the present petition under Section 438 Cr.P.C seeking grant of anticipatory bail in the above-captioned FIR.
2. Upon notice and after hearing learned counsel for the State, the petitioners were directed to join investigation and were granted interim anticipatory bail vide order dated 24.11.2022.
3. Learned State counsel, on instructions from ASI Mahender Singh, Police Station Civil Lines, District Kaithal, submits that pursuant to order dated 24.11.2022 passed by this Court, petitioner No.1 has joined investigation and is no longer required for custodial interrogation. However, petitioner No.2 failed to join investigation. The aforesaid fact was brought

to the notice of this Court and the explanation offered on behalf of petitioner No.2 was that it was due to non-availability of the investigating officer at the relevant time, when petitioner No.2 visited the concerned police station, which is noticed in order dated 23.02.2023.

4. In view of the above, petitioner No.2 was directed to join investigation with the police on two dates specified in the aforesaid order.

5. On resumed hearing, learned counsel for the State would point out that petitioner No.2 has failed to comply with the directions issued vide order dated 23.02.2023, which reads as thus:-

“Counsel for the petitioners submits that petitioner No.1 has joined the investigation with the police. However, petitioner No.2 failed to join investigation due to non-availability of the investigating officer at the relevant time when the petitioner visited the concerned police station.

State counsel on instructions from ASI Gurdan Singh submits that indeed petitioner No.1 has joined the investigation but petitioner No.2 failed to comply with the directions given on the last date of hearing.

In view of above, petitioner No.2 is hereby directed to join investigation with the police on 20.03.2023 and 17.04.2023.

Now be listed on 24.05.2023.

Interim order to continue.”

6. Learned counsel for the petitioners is at pains to explain non-compliance of the directions of this Court by petitioner No.2, noticed above.

7. In view of the above facts but without commenting on the merits of the case, the present petition is dismissed qua petitioner No.2 and partly allowed qua petitioner No.1-Sanjeev Kumar. Accordingly, order dated 24.11.2022, granting interim anticipatory bail is made absolute qua

petitioner No.1 only, subject to the conditions as envisaged under Section 438(2) Cr.P.C.

August 08, 2023
vcgarg

(VIKAS SURI)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No