

CRM-M-58861-2022

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-58861-2022

Date of decision: 14.09.2023

DURGESH

...Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Parminder Walia, Advocate,
for the petitioner.

Mr. C.L.Pawar, Addl. A. G. Punjab.

Mr. Sudhanshu Makkar, Advocate,
for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

1. Through this petition, the petitioner seeks anticipatory bail in case bearing FIR No.292 dated 30.03.2022, registered at Police Station Camp Palwal, District Palwal, under Sections 420, 467, 468, 471, 448, 506, 511 and 34 IPC.

2. Status report dated 08.08.2023 filed by way of affidavit of the Additional Superintendent of Police, District Palwal, filed in the Registry, is taken on record.

3. Vide order dated 24.01.2023 passed by a Coordinate Bench, the petitioner had been directed to join investigation.

4. Learned counsel for the petitioner contends that the petitioner could not join investigation for the reason that concerned S.H.O. was pressurizing him to withdraw civil suit instituted against the complainant.

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He prays that one more opportunity be granted to the petitioner to join investigation.

5. Learned State counsel and learned counsel for the complainant submit that vide order dated 24.01.2023, the petitioner had been directed to join investigation and that despite availing three effective opportunities, the petitioner did not prefer to join investigation for the reasons best known to him. Learned counsel also submits that even notices were issued to the petitioner asking him to join investigation, but he has not turned up. It is further submitted that in pursuance of notice issued to the Municipal Councillor, Ward No.11, Palwal, it has been informed that son of the petitioner is involved in FIR No.169 dated 13.04.2023, under Section 148, 149, 285 and 302 IPC, and Section 25 of the Arms Act, registered at Police Station Sohna, District Gurugram, and due to this reason, the petitioner and his other family members are not available.

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

7. A perusal of the record would show that vide order dated 24.01.2023, the petitioner had been directed to join investigation. However despite availing three opportunities, he has not joined investigation, which is tantamount to mocking the court proceedings. As such, conduct of the petitioner is not above board.

8. Furthermore, it is not open to the accused to dictate the terms of joining the investigation. If the accused wilfully flouts the order of this Court, he cannot expect any equitable relief and must be made to bear the consequences of his action. After having obtained an order, the accused cannot be allowed to sleep over its compliance.

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9. In view of the above discussion, the present petition stands dismissed.

14.09.2023

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No