

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

101 CRM-M-4667-2024  
Date of Decision : April 23, 2024

SAHID KHAN -PETITIONER

V/S

STATE OF HARYANA -RESPONDENT

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Waqar Ahmed Khurshid, Advocate  
for the petitioner.

Mr. Bhupender Singh, D.A.G., Haryana.

Mr. Arjun Dhingra, Advocate for  
Mr. Vimal Kumar Gupta, Advocate  
for the complainant.

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KULDEEP TIWARI, J. (ORAL)

- Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner has sought the concession of anticipatory bail, in case FIR No.334 dated 16.12.2023, under Sections 148, 149, 323, 325 and 506 of the IPC, registered at P.S. Dhauj, District Faridabad.
- This Court had, on 06.02.2024, while extending the relief of interim anticipatory bail to the petitioner, directed him to join the investigation and to appear before the investigating agency, as and when called upon to do so. However, during the course of hearing on 26.02.2024, the learned State counsel had informed this Court that, though the petitioner had joined the investigation, however, he did not get recovered the weapon (axe), as allegedly used in the commission of crime. Consequently, this Court had, on 26.02.2024, again directed the

petitioner to, within 15 days therefrom, rejoin the investigation with the investigating officer and also to surrender the alleged weapon of offence (axe).

3. Today, the learned State counsel has, on instructions imparted to him by A.S.I. Satpal, informed this Court that despite specific directions of this Court, neither the petitioner has joined the investigation, nor has surrendered the alleged weapon of offence (axe), which he can be seen carrying in his hand, in the CCTV footage concerned, at the relevant time.

4. Though the learned counsel for the petitioner has made an attempt to justify petitioner's non-appearance before the investigating officer concerned to join the investigation, by drawing attention of this Court towards some Whatsapp chats and phone call records, as occurred *inter se* the petitioner and the investigating officer concerned, however, since the evidentiary worth and/or veracity of these documents is unestablished, therefore, they cannot constitute the basis for affording any further leniency or relief to the petitioner. Nonetheless, even if the Whatsapp chats are taken to be true, yet what emanates from perusal thereof is that, the petitioner had only yesterday contacted the investigating officer concerned for joining the investigation, whereas, directions to rejoin investigation were issued by this Court on 26.02.2024. The inference, as spurs from such conduct of the petitioner is that, he has deliberately chosen not to join the investigation at the earliest, rather waited until yesterday, i.e. a day prior to the date fixed before this Court, so that he may continue to reap the benefits of interim anticipatory bail on

flimsy grounds.

5. Since the petitioner has, despite him being granted the relief of interim anticipatory bail, opted to violate the specific directions of this Court, by not joining investigation and by not surrendering the alleged weapon of offence (axe), this Court does not deem it a fit and deserving case for granting the extraordinary relief of anticipatory bail to the petitioner. Consequently, the instant petition is **dismissed**.

April 23, 2024  
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(KULDEEP TIWARI)  
JUDGE

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