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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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Date of Decision : September 30, 2024

RAJINDER SINGH

-PETITIONER

V/S

STATE OF HARYANA

-RESPONDENT

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Ms. Supirya Arora, Advocate for
Mr. H.S. Rajput, Advocate
for the petitioner.

Mr. Rajesh Gaur, Addl. A.G., Haryana.

KULDEEP TIWARI, J. (ORAL)

1. On 27.05.2024, this Court had passed the hereinafter extracted order upon the instant petition:-

"1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner seeks the concession of anticipatory bail, in case FIR No.47 dated 11.10.2021, under Sections 120-B, 406, 419, 420, 467, 468, 471 of the IPC, registered at P.S. Sector 7, District Panchkula.

2. At the very outset, the learned counsel for the petitioner has placed reliance upon a compromise deed dated 08.11.2021 and submitted that the petitioner is ready and willing to make payment of Rs.7,50,000/-, in compliance of the terms and conditions mentioned in the compromise deed.

3. The learned counsel for the complainant has also submitted that he has 'No Objection', in case interim bail is granted to the petitioner, thereby enabling him to make payment of Rs.7,50,000/- to the complainant.

4. In view of the above, the petitioner is directed to join the investigation and to appear before the investigating agency, as and when

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called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C.

5. Moreover, at the time of joining investigation, the petitioner is also directed to furnish a demand draft of Rs.7,50,000/-, drawn in favour of the complainant, before the investigating officer.

6. List on 17.07.2024.”

2. However, the undertaking, as became furnished by the petitioner, and, which becomes embodied in the hereinabove extracted order, was not complied with by the petitioner, which resulted in this Court, on 17.07.2024, upon request of the petitioner's counsel, directing him to re-join the investigation on 22.07.2024 with the investigating officer, and thereupon, to transfer the amount of Rs.7,50,000/- in favour of the complainant. Moreover, a specific recording was also recorded in the order dated 17.07.2024 that, any excuse of the petitioner to comply with the directions (supra), on the adjourned date, would attract a dismissal order upon the instant petition.

3. On the subsequent date of hearing, i.e. 05.08.2024, the learned State counsel, on instructions imparted to him by A.S.I. Jagpal, although verified that demand draft of Rs.7,50,000/- drawn in favour of the complainant has been furnished by the petitioner, however, he did not fully cooperate in the investigation, inasmuch as, he did not get recovered the mobile phone and the original sale deed in question. However, this time again, upon request made by petitioner's counsel, the petitioner was granted a last and final opportunity to rejoin the investigation and to render full cooperate to the investigating officer. Moreover, liberty was also granted to the petitioner to, in case of his experiencing any impediment on the part of the investigating officer, to join the

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investigation, thus make an application before the learned Magistrate concerned for the purpose of joining investigation and the latter was also directed to ensure that the petitioner joins the investigation.

4. Thereafter, on the last date of hearing, i.e. 27.09.2024, the learned counsel for the petitioner sought an adjournment, on the ground that, on the adjourned date of hearing, the petitioner will produce his mobile and the original sale deed in question before this Court. However, today also, the petitioner has neither produced his mobile, nor the original sale deed in question, rather has again come up with a lame excuse for seeking another adjournment.

5. It is important to note here that the petitioner was granted the relief of interim bail, solely on the basis of the compromise, as arrived at between him and the complainant. However, since the said compromise, as informed by the learned State counsel, on instructions from A.S.I. Jagpal, falls within the domain of “partial compromise”, inasmuch as, all the accused have not been impleaded therein as parties, therefore, in order to complete the investigation, the petitioner’s mobile and the original sale deed in question, which constitute an essential piece of evidence, are required by the investigating officer, but, the petitioner is deliberately avoiding the recovery thereof.

6. Consequently, taking into account the hereinabove discussed *mala fide* conduct of the petitioner, coupled with the *prima facie* dire necessity of petitioner’s mobile and the original sale deed in question for completion of the investigation, this Court does not deem it a fit and deserving case to grant the extraordinary relief of anticipatory bail to the petitioner.

7. In summa, the instant petition is **dismissed**.

8. However, anything observed hereinabove shall neither be con-



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strued to have any bearing on the outcome of the trial, nor the trial Court concerned shall be influenced by any of the observations recorded herein.

September 30, 2024	(KULDEEP TIWARI)
devinder	JUDGE
Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No