



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

213

CRM-M-28686-2024
Date of decision: 24.07.2024

MANPREET SINGH BRARPetitioner

Versus

UT OF CHANDIGARH ...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Rajesh Garg, Sr. Advocate with
Ms. Neha Matharoo, Advocate for the petitioner.

Mr. Manish Bansal, Addl. P.P., UT, Chandigarh.

Mr. Bhupinder Banga, Advocate for the complainant.

KULDEEP TIWARI. J.(Oral)

1. On 31.05.2024, this Court had passed the hereinafter extracted order,
upon the instant petition:-

“Through the instant petition filed under Section 438 Cr.P.C., prayer is made for grant of anticipatory bail to the petitioner in case FIR No.80, dated 02.05.2024, under Sections 406, 420 and 120-B of IPC, (Sections 467, 468 and 471 IPC, added later), registered at Police Station Sector-17 (Central), Chandigarh.

Learned senior counsel for the petitioner inter alia submits that there is no averment at all, throughout the FIR, where there is any allegation against the present petitioner.

Notice of motion.

Mr. Manish Bansal, Addl.P.P., UT, Chandigarh, accepts notice on behalf



- 2-

of respondent, and waives service.

Adjourned to 24.07.2024.

The State is directed to file a reply to the instant petition, disclosing therein, the specific role of present petitioner, and recovery, if any, effected from the petitioner, and the chain of circumstances connecting the present petitioner with the alleged crime, and also the incriminating evidence collected by investigating agency during investigation.

Meanwhile, the petitioner is directed to join the investigation and on his doing so, the petitioner be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so, and shall abide by the conditions as provided under Section 438(2) Cr.P.C. ”

2. On a specific query being put to the learned Senior counsel for the petitioner, that whether, the petitioner has joined the investigation, to which he answered that there is no call by the Investigating Officer to join the investigation, therefore, there was no occasion for the petitioner to join the investigation.

3. This Court has perused the order (supra), wherein, a specific direction was issued to the petitioner to join the investigation. Therefore, it was not for the Investigating Officer to call the petitioner, and make him join the investigation, rather obligation was upon the petitioner, and only after joining the investigation, and furnishing the requisite bail bonds, in case the petitioner was required and summoned for investigation in future by the Investigating Officer, then the petitioner was under bounden duty to make himself available for the said purpose.

4. On the other hand, learned State counsel submits that the petitioner is involved in 06 other criminal cases. Learned State counsel further submits that during investigation, the statement of 26 victims/co-complainants have been recorded, which further substantiate that the petitioner is a habitual offender.

5. Considering the fact that (i) during investigation 26 victims/co-complainants have got their statements recorded, thus substantiating the allegations against the petitioner; (ii) the petitioner is involved in 06 more criminal cases; (iii) the petitioner did not join the investigation, despite specific directions issued by this Court, this Court does not find it a fit and deserving case to extend the extraordinary relief of anticipatory bail to the present petitioner.
6. Therefore, the instant petition is **dismissed** accordingly.

24.07.2024
amandeep

(KULDEEP TIWARI)
JUDGE

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