

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

**CRM-M-10239-2013
Date of decision:26.05.2015**

Alok Manglik

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

1. To be referred to the Reporters or not ?
2. Whether the judgment should be reported in the Digest ?

Present: Ms.Isha Goyal, Advocate for the petitioner.

Mr.Parveen Aggarwal, AAG, Haryana.

Mr.Harmanjit Singh, Advocate for the complainant.

RAMESHWAR SINGH MALIK, J. (Oral)

Petitioner seeks pre-arrest bail in FIR No.139 dated 11.3.2013 registered under Sections 498-A and 406 of the Indian Penal Code at Police Station, Gurgaon Sadar, District Gurgaon.

Notice of motion was issued and interim protection was granted to the petitioner vide order dated 1.4.2013.

Learned counsel for the petitioner submits that petitioner has joined the investigation at more than one occasions and he has taken with him all the dowry articles but the same were not accepted either by the investigating agency or by the complainant. She further submits that petitioner is no more required for the purpose of any further investigation and he deserves concession of anticipatory bail.

On the other hand, learned counsel for the State, on instructions from SI Naresh Kumar, Police Station, Sadar Gurgaon, submits that after granting interim protection to the petitioner by this Court, he has never shown any inclination at any point of time either to join the investigation or to cooperate with the investigating agency. He has been trying to find out one or the other excuse and has been misusing the process of law. He further submits that since dowry articles are yet to be recovered, custodial

interrogation of the petitioner is necessary. He prays for dismissal of the present petition.

Supporting the above-said contentions raised by the learned counsel for the State, learned counsel for the complainant vehemently opposes the present petition, contending that petitioner has been misusing the process of law right from day one.

Having heard the learned counsel for the parties at considerable length, after careful perusal of record of the case and giving thoughtful consideration to the rival contentions raised, this Court is of the considered opinion that petitioner has been misusing the process of law for the last more than two years. After granting interim protection vide order dated 1.4.2013 passed by this Court, petitioner has been taking the Court for a ride. He has never shown his willingness to join the investigation and cooperate with the investigating agency nor he got recovered any dowry articles. It prima facie shows that petitioner has misconducted himself to such an extent that he is not entitled for discretionary relief of anticipatory bail, at the hands of this Court. In such a situation, protective investigation will not serve the purpose and custodial interrogation of the petitioner would be the compulsive necessity of the investigating agency to conduct an effective investigation.

Without commenting anything further, lest it should prejudice the rights of either of the parties, no case for anticipatory bail is made out.

Dismissed.

26.05.2015
mks

(RAMESHWAR SINGH MALIK)
JUDGE