

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

**CRM-M-18925 of 2015
Date of Decision: 3.6.2015**

Sukhraj Kaur and another

--Petitioners.

Vs.

State of Punjab

--Respondents.

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Manbir Singh Basra, Advocate
for the petitioners.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioners seek pre-arrest bail in FIR No.104 dated 5.8.2014 under Sections 326/354/323/324/148 IPC (Section 326 IPC was added later on) registered at Police Station Ghuman, District Gurdaspur.

Learned counsel for the petitioners submits that petitioners were granted interim protection by the learned Additional Sessions Judge, Gurdaspur, vide orders dated 11.9.2014 (Annexure P-3 and P-4). Thereafter, petitioners tried to join the investigation on more than one occasions, but they were not allowed to do so by the investigating agency. Consequently, learned Additional Sessions Judge, Gurdaspur, vide orders dated 30.9.2014 (Annexure P-5 and P-6), dismissed the anticipatory bail applications of both the petitioners. He further submits that the petitioners never intended to

avoid the investigation, as they were duty bound to do so. He concluded by submitting that since the petitioners were not allowed to join the investigation because of political pressure on the investigating agency, they are being put to unwarranted harassment. He prays for allowing the present petition.

Having heard the learned counsel for the petitioners, after careful perusal of the record of the case and giving thoughtful consideration to the contentions raised, this Court is of the considered opinion that since despite having been granted interim protection vide orders dated 11.9.2014 (Annexure P-3 and P-4), passed by the learned Additional Sessions Judge, Gurdaspur, none of the petitioners has ever shown any inclination to join the investigation, at any point of time, learned Additional Sessions Judge, was left with no other option, except to dismiss their bail applications, vide orders Annexures P-5 and P-6.

Further, despite having been granted due opportunity, petitioners did not join the investigation. It is only the petitioners who have to suffer for their conduct. It seems that the petitioners were taking the court for a ride. They were not going to oblige anybody by joining the investigation but it was their bounden duty to join the investigation and cooperate with the investigating agency. However, they failed to do so for the reasons best known to them. In such a situation, learned Additional Sessions Judge, Gurdaspur, committed no error of law, while passing the impugned orders dated 30.9.2014 (Annexure P-5 and P-6), whereby the anticipatory bail applications of both the petitioners were dismissed.

In view of the above and without commenting anything further on the merits of the case, lest it should prejudice the rights of either of the parties, this Court is the considered view that custodial interrogation of both the petitioners is the compulsive necessity of the investigating agency. No case for anticipatory bail is made out.

Dismissed.

(RAMESHWAR SINGH MALIK)
JUDGE

3.6.2015
AK Sharma