

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

**CRM-M-19339 of 2015
Date of Decision: 18.8.2015**

Anil Malhotra

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Gulzar Mohammad, Advocate
for the petitioner.

Mr. K.D.Sachdeva, Additional A.G. Punjab.

Mr. Parambir Singh, Advocate
for the complainant.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner seeks pre-arrest bail in FIR No. 27 dated 7.5.2015 registered under Sections 406/498-A IPC at Police Station Women Cell, District Jalandhar City.

Notice of motion was issued and interim protection was issued.

Learned counsel for the petitioner submits that in compliance of the order dated 8.6.2015 passed by this Court, petitioner has joined the investigation. He further submits that petitioner has returned all the dowry articles. In this view of the

matter, custodial interrogation of the petitioner is not required. He prays for allowing the present petition.

Learned counsel for the State, on instructions from Head Constable Gurnam Singh, submits that although the petitioner has joined the investigation, but some articles are yet to be recovered.

Learned counsel for the complainant vehemently opposed the present petition contending that after getting interim protection from this Court, petitioner is harassing the complainant to such an extent that he is not entitled for any kind of relief from this Court. He refers to some documents and also shown the same to this Court wherein the petitioner has made repeated efforts to defame the complainant leveling wholly unwarranted allegations regarding her character. He also prays for dismissal of the present petition.

Having heard the learned counsel for the parties at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the rival contentions raised, this Court is of the considered opinion that in the given fact situation of the present case, petitioner has not been found entitled for the concession of anticipatory bail. It is so said, because petitioner has been found to have misconducted himself to such an extent that he does not deserve any sympathy from the Court. The documents shown by the learned counsel for the complainant have also been verified by the learned counsel for the State. Further, petitioner has not cooperated with the investigating agency in getting all the dowry articles recovered.

In view of the above and without commenting any 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 the petitioner would be a compulsive necessity of the investigating agency, so as to carry out an effective investigation. No case for anticipatory bail has been made out.

Dismissed.

(RAMESHWAR SINGH MALIK)
JUDGE

18.8.2015
Ak Sharma