

**Sr. No. 205
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM No. M-21890 of 2015
Date of Decision: 01.09.2015**

Mandeep

--Petitioner

Vs

State of Haryana

--Respondent

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Gaurav Mohunta, Advocate,
for the petitioner.

Mr. Ashish Yadav, Additional A.G.Haryana.

Mr. Sumit Sangwan, Advocate,
for the complainant.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner seeks pre-arrest bail in FIR No. 86 dated 26.03.2015 under Sections 147, 149, 341, 506 of the Indian Penal Code and Section 25 of the Arms Act registered at Police Station City Dadri, District Bhiwani.

Notice of motion was issued and interim protection was granted to the petitioner vide order dated 09.07.2015.

Thereafter, the petitioner was not co-operating with the investigating agency and the recovery could not be effected. He was given another opportunity to join the investigation on 25.08.2015 and co-operate with the investigating agency for getting the recovery effected. However, learned counsel for the State on instructions from

ASI Ranvir Singh, submits that although the petitioner has joined the

investigation but he did not co-operate with the Investigating agency at all because of which no recovery could be effected. He further submits that petitioner is trying to misuse the concession of interim anticipatory bail granted by this Court because of which he is not entitled for concession of anticipatory bail. He prays for dismissal of the present petition.

On the other hand, learned counsel for the petitioner also fairly states that although the petitioner has joined the investigation but so far as the allegation of non-cooperation is concerned he was not having any instructions in this regard.

Having heard the learned counsel for the petitioner, 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 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, despite having been granted more than one opportunities to join and co-operate with the investigating agency petitioner has failed to do so. No justification, whatsoever, is forthcoming as to why the petitioner did not cooperate with the investigating agency. No difficulty has been expressed on his behalf that it might be beyond his control. In such a situation, it can be safely concluded that the petitioner was trying to misuse the process of law.

In view of the above and without commenting anything further on the merits of the case, at this stage, lest it should prejudice the rights of either of the parties, this Court is of the considered view

that custodial interrogation of the petitioner would be a compulsive necessity of the investigating agency,so as to conduct an effective investigation, because protected investigation is not bringing any fruits, despite best and sincere efforts having been made. No case for anticipatory bail is made out.

Dismissed.

(RAMESHWAR SINGH MALIK)

JUDGE

01.09.2015

vandana