

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

**Crl. Misc. No. M-29451 of 2015
Date of decision: - 15.09.2015**

Punam Malik

...Petitioner

Versus

U.T. Chandigarh

..Respondent

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Sanjiv Bansal, Advocate,
for the petitioner.

Mr. A.S. Virk, Addl. P.P.
for the State.

SHEKHER DHAWAN

Petitioner has applied for anticipatory bail under Section 438 Cr.P.C. in case FIR No.197 dated 10.06.2015, under Section 409 IPC, registered at Police Station Sector 17, Chandigarh.

2. Allegation against the petitioner in the FIR that petitioner had not returned the original allotment file of the property, which was demanded in December, 2014. There is no allegation that petitioner received the file at any stage and there is no corresponding record regarding handing over the file to the petitioner. Petitioner was falsely implicated in this case because of differences amongst senior officers/officials, as petitioner was working as PA to Deputy Commissioner.

3. Learned counsel for the petitioner contended that petitioner has already joined the investigation, as she was granted interim bail and she has cooperated with the investigating agency. Petitioner is not in the office since December, 2014, as she already stands transferred. More so, allegations against the petitioner are under Section 409 IPC, whereas there are no allegation of entrustment of file to petitioner at any stage nor she was custodian of the file. In fact, complainant had been trying to shift his liability, as he was custodian of the file.

4. Learned State counsel opposed the bail application on the ground that admittedly the file was in the custody of petitioner and the same has not been recovered as yet. So, his bail application be dismissed.

5. Having considered the submissions made by learned counsel for the parties, it is apparent on the record that file was summoned by the petitioner and remained in his custody on 23.12.2014. There is stamp bearing 'No.PA/DC/18103 dated 23.XII.2014', which shows that file was there in the custody of petitioner. Thereafter, petitioner was to establish when the file was handed over by her and to whom the same was handed over. Missing of such an important file from the office has serious repercussion and the recovery of file has still not been effected. Custodial investigation of the petitioner would be required in this case. As such, there are no grounds for release of petitioner on anticipatory bail.

6. Resultantly, the present bail application stands dismissed.

September 15, 2015

naresh.k

(SHEKHER DHAWAN)

Judge