

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

**Criminal Misc. No. M-38553 of 2015
Date of Decision: 16.11.2015**

District Appropriate Authority (PNDT), through its Chairman-cum-Civil Surgeon, Sirsa

--Petitioner.

Vs.

State of Haryana and another

--Respondents.

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Satbir Gill, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner seeks cancellation of bail granted by the learned Additional Sessions Judge in favour of respondent No.2-accused.

Learned counsel for the petitioner submits that respondent No.2 was a supplier of medical equipments and one such machine supplied by respondent No.2 was recovered from his co-accused. He further submits that co-accused of respondent No.2 suffered a disclosure statement on the basis of which respondent No.2 was sought to be made an accused and in the given fact situation of the present case, his custodial interrogation would be required. He concluded by submitting that since learned Additional Sessions Judge has failed to appreciate this crucial aspect of the matter, while passing the impugned order, the same has resulted in serious miscarriage of justice and is liable to be set aside. He prays for cancellation of anticipatory bail granted in favour of respondent No.2

Anil Kumar
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I attest to the accuracy and
authenticity of this document

by the learned Additional Sessions Judge vide impugned order Annexure P-2, by allowing the present petition.

Having heard the learned counsel for the petitioner at considerable length, 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 present petition is liable to be dismissed, for the following more than one reasons.

When a pointed question was put to learned counsel for the petitioner as to how respondent No.2 was sought to be connected with the alleged machine, he had no answer and rightly so, it being a matter of record. Neither sale of any such machine by or at the instance of respondent No.2 has been shown referring to any prima facie material in this regard, nor anything is to be recovered from respondent No.2. In such a situation, it shall be the debatable issue before the learned trial court, whether respondent No.2 was, as a matter of fact, involved in the commission of offence.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that present petition is misconceived, bereft of merit and without any substance. Thus, it must fail. No case for interference has been made out.

Dismissed.

(RAMESHWAR SINGH MALIK)
JUDGE

16.11.2015
AK Sharma

