

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-39605-2014

Date of Decision: September 14, 2015

Ashok Kumar Chawla

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Deepak Basatia, Advocate,
for the petitioner.

Mr. Pawan Gaur, DAG, Haryana,
for respondent No. 1.

Mr. Ashit Malik, Advocate,
for respondent Nos. 2 to 4.

1. *Whether Reporters of local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

NARESH KUMAR SANGHI, J (Oral)

Prayer in this petition, filed under Section 439(2), Cr.P.C., is for cancellation of anticipatory bail granted to respondent Nos. 2 to 4 by learned Additional Sessions Judge, Yamunanagar at Jagadhri, vide order dated 1.10.2014 (Annexure P-3), in a case arising out of FIR No. 284, dated 4.8.2014, for the offences punishable under Sections 120-B, 323, 406, 420, 467, 468, 471 and 506, IPC, registered at Police Station, Farakpur, District Yamunanagar.

Learned counsel for the petitioner has raised twofold contentions viz. (i) respondent Nos. 2 to 4 have failed to join the

investigation; and (ii) the recoveries of forged documents were not effected from respondent Nos. 2 to 4 since the police has failed to conduct the investigation properly.

On the other hand, learned counsel for the State on the basis of affidavit filed by the Deputy Superintendent of Police, Yamunanagar-1, submits that respondent Nos. 2 to 4 had joined the investigation on 26.9.2014 and the disputed cheques (54 in number) were recovered from Dena Bank, Yamunanagar, and the same have been sent to the Forensic Science Laboratory, Madhuban, for comparison of the handwriting of respondent Nos. 2 to 4/accused persons. He further submits that custodial interrogation of respondent Nos. 2 to 4 is not required by the investigating agency at present. He also contends that except awaiting the report from the Forensic Science Laboratory, Madhuban, the investigation is complete.

After hearing learned counsel for the parties, this Court is of the firm opinion that there is no merit in the present petition for cancellation of bail. The parameters for grant of bail and cancellation of bail are altogether different. At the whims of the informant/complainant, legally granted concession of bail to the accused cannot be cancelled.

Dismissed.

(NARESH KUMAR SANGHI)
JUDGE

September 14, 2015
Pkapoor