

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

**Criminal Misc. No. M-9033 of 2015
Date of Decision: 19.5.2015**

Surekha

--Petitioner.

Vs.

State of Punjab

--Respondent.

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Vaibhav Narang, Advocate
for the petitioner.

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

Mr. Rohit Verma, Advocate
for the complainant.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner seeks pre-arrest bail in FIR No. 26 dated 3.2.2015 under Sections 323/324/34 IPC (Section 326 IPC was added later on), registered at Police Station Gate Hakima, District Amritsar, City.

Notice of motion was issued and interim protection was granted

Learned counsel for the petitioner submits that in compliance of the order passed by this Court, petitioner has joined the investigation and she is no more required for any further investigation. He prays for allowing the present petition.

AMIT KUMAR
2015.05.20 17:14
I attest to the accuracy and
authenticity of this document

Learned counsel for the State, on instructions from ASI Balwinder Singh, Police Station Gate Hakima, submits that there are three accused in the present FIR. He further submits that in connivance with each other, they have intentionally tried to destroy the evidence, which would have been available against them. After getting the interim anticipatory bail by this Court, vide order dated 20.3.2015, the accused persons, including the petitioner, have taken away the articles which were used for committing offence. Due to this reason, nothing could be recovered by the investigating agency and the petitioner has misused the concession of interim anticipatory bail, granted by this Court. He prays for dismissal of the present petition.

Similarly, learned counsel for the complainant, while supporting the arguments raised by the learned counsel for the State, submits that the petitioner has intentionally indulged in a wholly unwarranted activity, by misusing the concession of interim anticipatory bail. He prays for dismissal of the petition.

Having heard the learned counsel for the parties, 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 noticed hereinabove, petitioner has not been found entitled for the concession of anticipatory bail. It is so said, because the petitioner, as a matter of fact, has misused the concession of interim anticipatory bail granted by this Court, which leaves the petitioner disentitled for the discretionary relief, at the hands of this Court.

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, custodial interrogation of the petitioner would be a compulsive necessity of the investigating agency, so as to conduct an effective investigation. No case for anticipatory bail is made out.

Dismissed.

(RAMESHWAR SINGH MALIK)
JUDGE

19.5.2015
AK Sharma