

Sr. No. 111

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No. M-12314 of 2016 (O&M)
Date of Decision: 08.04.2016

Naresh Kumar

...Petitioner

Versus

State of Punjab and others

... Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Goldy Jakhar, Advocate for
Mr. H.S.Brar, Advocate,
for the petitioner.

TEJINDER SINGH DHINDSA. J (ORAL)

The present petition has been filed under Section 439 (2) Cr.P.C. seeking cancellation of concession of pre-arrest bail granted to private respondent Nos.2 to 6 herein vide order dated 23.12.2015 passed by the learned Additional Sessions Judge, Jalandhar in case FIR No.58 dated 15.05.2015, under Sections 380, 465, 471, 506 of Indian Penal Code, registered at Police Station Division No.3, Jalandhar.

The sole contention raised by the counsel is that private respondents No.2 to 6/accused are not co-operating with the Investigating Agency and have not supplied the concerned/relevant documents.

Having heard counsel for the petitioner at length and having perused the pleadings on record, this Court is of the considered view that the prayer made in the present petition cannot

be accepted.

Suffice it to note that FIR in question came to be registered on the complaint of the present petitioner. Allegations in a nutshell were that respondents No.2 to 6/accused had stolen copies of certain documents belonging to the petitioner/complainant and on the strength thereof a forged Ration Card had been prepared.

It would also be pertinent to take note that respondent No.2 herein is none other than the real maternal aunt of the petitioner and the other private respondents are also his close relatives.

Perusal of the impugned order dated 23.12.2015, passed by the learned Additional Sessions Judge, Jalandhar granting concession of pre-arrest bail to the respondents would reveal that the contention on behalf of the Investigating Agency i.e. the statement of ASI Mulakh Raj had been taken note of that the documents produced by the accused are incomplete and the accused are not cooperating and are concealing material documents. Such stand was dealt with by noticing the contentions raised by the accused that they have already joined investigation and all the documents in their possession have already been handed over to the Investigating Officer and they have further even submitted due affidavits qua the fact that they are not in possession of any other document except those which have already been handed over.

Present petition has been filed by the complainant. Prosecution has not approached this Court seeking cancellation of bail on the ground that the private respondents/accused are not co-operating in the matter.

Counsel appearing for the complainant has not been able to demonstrate to this Court that the accused have misused the concession of pre-arrest bail after passing of the impugned order dated 23.12.2015 at Annexure P-4.

No ground for interference is made out.

Petition dismissed.

08.04.2016

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**