

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

CRM-M No. 864 of 2016
Date of decision : October 04, 2016

Karam Chand

..... Petitioner

v.

State of UT Chandigarh

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. PS Ahluwalia, Advocate
for the petitioner.

Mr. Rajiv Sharma, APP for
UT Chandigarh.

Ajay Tewari, J (Oral)

The petitioner seeks grant of anticipatory bail in case FIR
No.07, dated 24.7.2015, registered under Section 409 of the IPC, at
Police Station Vigilance Chandigarh.

Allegations against the petitioner are that some files which
were handed over to him in his official capacity were not returned.

Counsel for the petitioner has argued that actually the
petitioner had handed over those files to a successor officer but did not

take any receipt for the same. However, the fact that the files had gone out of the custody of the petitioner is duly recorded in document, Annexure P-2. The petitioner has made utmost efforts to help the department in tracing those files but they are not traceable.

Learned Standing counsel for UT Chandigarh, on instructions from Inspector Asha Sharma, is not in a position to deny that the document, Annexure P-2, was on the record. However, he has tried to say that this document does not record the correct picture.

Be that as it may, once the existence of this document is not denied, in my opinion, the custodial interrogation of the petitioner cannot be insisted upon. In the circumstances, the order dated 12.1.2016 is made absolute, subject to the provisions of Section 438 of the Cr.P.C. The present petition stands disposed of accordingly.

October 04, 2016

`kk'

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No