

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**Crl. Misc. No. M-1723 of 2017**

**Date of decision: September 21, 2017**

Kulbir Singh

... Petitioner

Vs.

State of Punjab and another

... Respondents

**CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA**

Present: Mr. B.S. Jaswal, Advocate  
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

Mr. Veneet Sharma, Advocate  
for respondent no.2.

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**SURINDER GUPTA, J**

This petition is for seeking cancellation of anticipatory bail granted to respondent no.2 vide order dated 14.12.2015 passed by Additional Sessions Judge, Amritsar.

The allegations against respondent no.2 are that she is having vote at two places and has committed offence punishable under Section 31 of Representation of People Act, 1950.

Learned counsel for petitioner submits that on arrival of respondent no.2 at Bombay, Punjab Police had gone there, taken her in custody but did not arrest her and released her after serving notice to join investigation at Police Station Maqboolpura, Amritsar despite the fact that proceedings to declare respondent no.2 as Proclaimed Offender were pending before the trial court. Thereafter she moved application before the trial court which allowed her bail.

Learned State counsel submits that the State has no reason to seek cancellation of bail of respondent no.2. Notice under Section 41 (a) Cr.P.C. was served on respondent no.2 on her arrival in India at Bombay airport. She had never been declared Proclaimed Offender and she had joined investigation. This petition has been filed after more than a year of passing of order allowing bail to respondent no.2.

Keeping in view the nature of offence and submissions of learned State counsel, I find no reason for canceling the bail of respondent no.2. The grouse of petitioner appears to be against police which has not arrested respondent no.2 in this case. It is for the Investigating Agency to see if arrest of an accused in a case is required. The petitioner appears to be having personal motive in moving this application. On appraisal of facts and circumstances of the case, I have no hesitation to record that this application seeking cancellation of bail of respondent no.2 filed by petitioner has simply wasted time of court and such type of applications should be discouraged.

Dismissed.

**September 21, 2017**

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**(Surinder Gupta)  
Judge**

***Whether speaking/reasoned : Yes/No***

***Whether reportable : Yes/No***