

*IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.*

Cr. Misc. M 3212 of 2017
Date of decision: 5.4.2017

State of Punjab

Petitioner

vs.

Baldev Singh

Respondent

Present: Ms. Anu Pal, AAG, Punjab,
Mr. Dinesh Sharma, Advocate.

M.M.S.BEDI,J.

State of Punjab has filed the present petition for cancellation of pre-arrest bail granted to the respondent vide order dated 13.10.2015.

On asking of the Court, the investigating officer ASI Baldev Singh has informed that challan has not been presented against any of the accused. Vague allegations have been levelled against the respondent that though he has joined the investigation but he is not cooperating with the investigating officer for effecting recoveries of the alleged fake documents. I have considered the contention of the learned State counsel. Taking into consideration the status of the investigation, which was initiated on the basis of the FIR registered in the year 2015 pertaining to the offences committed during the period from 2013 to 2015, no ground is made out for cancellation of pre-arrest bail granted to the respondent vide order dated 13.10.2015.

I have considered the contention of the learned State counsel that the petitioner is not cooperating with the investigating officer to effect recoveries. In this context, I am of the considered opinion that the prosecution agency cannot be permitted to adopt coercive means in

violations of Article 20(3) of the Constitution of India to compel a person to produce any thing against him. However, it is always open to the investigating agency to gather admissible and relevant evidence against the respondent to substantiate his culpability.

Dismissed.

In case a written notice is issued by the investigating agency to the respondent to appear before it and the respondent does not comply with the same, it will be open to the investigating agency to approach this Court for cancellation of pre-arrest bail granted to the respondent.

April 5 ,2017
TSM

(M.M.S.BEDI)
JUDGE

Whether speaking/ reasoned

Yes/ No

Whether Reportable

Yes/ No