

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

**Criminal Misc. No. M-6325 of 2018
Date of decision: 11.02.2019**

Ashok Gupta

..Petitioner

Versus

State of Punjab and another

..Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Aditya Jain, Advocate with
Ms. Bhanvi Sood, Advocate and
Mr. Junaid Singh, Advocate
for the petitioner.

Mr. Amit Mehta, Sr. DAG, Punjab
for respondent No.1 -State.

Mr. Rajiv Dhawan, Advocate
for respondent No.2.

Daya Chaudhary, J. (Oral)

The present petition has been filed under Section 439(2) Cr.P.C. for cancellation of anticipatory bail granted to respondent No.2 by this Court vide order dated 9.11.2017 in case FIR No.77 dated 07.05.2017 registered under Section 306 IPC at Police Station Sarabha Nagar, Ludhiana.

At the very outset, learned State counsel submits that respondent No.2 joined investigation and was released on anticipatory bail and never misused it. After presentation of challan, even charges have been framed and now the case is fixed for recording of statements of prosecution witnesses.

Similarly, learned counsel for respondent No.2 has reiterated

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the submissions made by learned State counsel.

It has not been brought to the notice of this Court by learned counsel for the petitioner that respondent No.2 has ever misused the concession of anticipatory bail but submits that the anticipatory bail has been sought to be cancelled on the ground that the recovery has not been effected.

Keeping in view the stage of trial as not only challan has been presented but charges have also been framed and now the case is fixed for recording of statements of prosecution witnesses, no ground is made out to cancel the bail granted to respondent No.2 and the petition being devoid of any merit is dismissed.

11.02.2019
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No