

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

CRM-M-2636-2015

Date of decision: 14.05.2015

Anirudh Wadhwa @ Anurudh Wadhwa

... Petitioner

Vs.

State of Punjab and anr.

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Vikas Bishnoi, Advocate
for the petitioner.

Mr. K.D. Sachdeva, Addl. AG, Punjab.

Mr. Ashish Aggarwal, Advocate
for respondent No.2.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks pre-arrest bail in FIR No.205 dated 02.10.2013 under Sections 420, 498-A IPC and Section 66A of Information Technology Act, registered at Police Station Sadar Amritsar, District Amritsar City.

Notice of motion was issued.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. He has no role to play. Regarding the offence under Section 66A of Information Technology Act, he submits that Section 66A is no more on the statute book as the same has been declared ultra virus the Constitution by the Hon'ble Supreme Court. He prays for allowing the present petition.

On the other hand, learned counsel for the State submits that although petitioner has joined the investigation but he did not cooperate with the investigating agency and custodial interrogation of the petitioner is very much necessary. He prays for dismissal of the petition.

Similarly, learned counsel for the complainant submits that petitioner has misconducted himself to such an extent that he is not entitled for the concession of anticipatory bail. He also prays for dismissal of the petition.

Having heard the learned counsel for the parties at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the rival contentions raised, this Court is of the considered opinion that keeping in view the totality of facts and circumstances of the case noticed hereinabove, present petitioner has not been found entitled for the concession of anticipatory bail. It is so said because the petitioner has not cooperated with the investigating agency. Further, keeping in view the peculiar fact situation of the present case, custodial interrogation of the petitioner would be a compulsive necessity of the investigating agency, to conduct an effective investigation.

Without commenting anything further, lest it should prejudice the rights of either of the parties, no case for anticipatory bail is made out.

Dismissed.

[RAMESHWAR SINGH MALIK]
JUDGE

14.05.2015
vishnu