

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

(203)

CRM-M-5248-2016

Decided on: July 26, 2016.

Munish Sarpal alias Mannu

.... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. G.S. Bawa, Advocate, for the petitioner.

Ms. Simsi Dhir Malhotra, DAG, Punjab.

Mr. Rakesh Kumar, Advocate, for the complainant.

M.M.S. BEDI, J (ORAL)

Petitioner seeks concession of pre-arrest bail in a case registered at the instance of Manoj Kumar Chhabra alleging that the petitioner had entered in the house of the complainant and caused damage to the property and that the petitioner was having illicit relations with his wife.

Learned counsel for the petitioner has submitted that the matter has been compromised whereas counsel for the complainant has contended that the petitioner is responsible for exhibiting objectionable photographs on the Facebook indicating that he has relationship with the wife of the complainant.

I have heard learned counsel for the petitioner and learned counsel for the complainant and gone through the police file.

During course of investigation, statement of the wife of the complainant has been recorded to the effect that she was married to the complainant and has got three children out of this wedlock. She has

stated that at present she does not have any connection with the petitioner.

The petitioner appears to be colleague of the complainant.

On the basis of the material which has been gathered till date, it does not appear to be a case of custodial interrogation. No report has been submitted till date whether any offence under the Information and Technology Act has been added.

In above said circumstances, the petitioner can be granted the concession of pre-arrest bail.

The petition is allowed. It is ordered that in case of arrest of petitioner, he will be released on bail to the satisfaction of the arresting officer subject to the conditions that he will join investigation as and when required; he will not tamper with the evidence or hamper the investigation in any manner; he will not indulge in any activity which may prejudice the peaceful living of the complainant and his wife Jyoti and will not meddle with the family affairs of Jyoti and complainant in any manner.

In case of violation of any of the abovesaid conditions, it will be open to the complainant or Jyoti to approach this Court for cancellation of bail.

This order will not prejudice the right of the complainant to bring material to the notice of the investigating agency regarding commission of offence under the Information and Technology Act.

(M.M.S. BEDI)
JUDGE

July 26, 2016
harsha

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No