

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

CRM-M-11880 of 2017 (O&M)

Date of decision: 09.05.2017

Pankaj Dhiman

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. S.K. Aggarwal, Advocate for the petitioner(s).

Mr. Saurabh Mohunta, DAG, Haryana.

Jitendra Chauhan, J. (Oral)

By filing the present petition, under Section 438 of the Code of Criminal Procedure, the petitioner has sought anticipatory bail in FIR No. 482 dated 21.06.2016, registered under Sections 420, 467, 468, 471, 511, 120-B of IPC and Section 66 of the Information Technology Act, at Police Station Civil Lines, Karnal.

It is contended that the tampering or the effort if any made by the petitioner pertains to August, 2014 and there is an unexplained delay of 22 months in lodging the FIR. It is asserted that even as per the enquiry report only the suspicion has been cast upon the petitioner. The petitioner is not the beneficiary.

On the other hand, the learned State counsel opposes the bail application and states that in fact the petitioner is a hacker. One Gian Chand made an application for closure of his EPF account, however, due to some error in the system, it remained alive. The petitioner being

Electronic Data Processor had the knowledge of password of the account holders.

Heard.

The fact of petitioner being EDP (Supervisor) and that he had access to the password of the users is not in dispute. Without there being any application by the EPF account holder, namely, Gian Chand, the petitioner introduced one Mona as nominee of said Gian Chand.

As per FIR, the petitioner being EDP (Supervisor) allegedly introduced one Mona as nominee of Gian Chand. From the reply, it emerges that Mona shown to be the nominee of Gian Chand is a relative of the petitioner. The petitioner allegedly could not succeed in diverting the funds as the irregularity committed by the petitioner came to the notice of the management. Keeping in view the fact that only the petitioner could have access to the information and passwords, this Court feels that it is a fit case where custodial interrogation of the petitioner is required to know his modus operandi. Accordingly, no case for pre-arrest bail is made out at this stage.

Dismissed.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

09.05.2017

sumit.k

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No