

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-38079 of 2016 (O&M)
Date of Decision: 17.04.2017

Gurpreet Singh

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. P.S. Jammu, Advocate for the petitioner.

Mr. C.S. Bakshi, Addl. A.G., Haryana.

Mr. Rohit Kaushik, Advocate for the complainant.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 438 Cr.P.C praying for the grant of anticipatory bail to the petitioner in case F.I.R. No.245 dated 29.9.2016 under sections 295-A, 506 I.P.C and section 74 of I.T. Act, registered at Police Station, Mahesh Nagar, District Ambala.

Notice of motion was issued in the present petition on 24.10.2016 and interim protection as regards arrest was granted to the petitioner subject to his joining investigation.

On 1.12.2016 the following order was passed by this Court:-

“The petitioner has preferred the instant petition under Section 438 Cr.P.C., for grant of anticipatory bail in case FIR No.245 dated 29.09.2016, registered at Police Station Mahesh Nagar, District Ambala, under Sections 295-A, 506 IPC and Section 74 of I.T. Act, 2000.

The allegation is that the petitioner created some fake recordings in the name of the complainant in which the complainant was purportedly insulting the religious feeling of a class of citizens and splashed them on a whatsapp group with the message that the complainant should be killed. Believing

those recordings to be correct, some other members of the whatsapp group also made threatening calls to the complainant.

It is the contention of learned counsel for the petitioner that there is a matrimonial dispute between the sister of the petitioner and the brother of the complainant and this is a false case only to pressurize his sister into agreeing to the unreasonable demand of the complainant for divorce.

On the other hand, learned counsel for the complainant has also made the same argument, viz. that the petitioner has done this only to pressurize his brother to settle the dispute with his sister.

Learned State counsel states that the investigation is still going on.

In these circumstances, I deem it appropriate to adjourn the case.

Adjourned to 14.03.2017.

Meanwhile, interim order to continue.”

Thereafter on 14.3.2017 during the course of resumed hearing counsel appearing for the petitioner had undertaken that the petitioner would appear before the I.O on 15.3.2017 and would also hand over his mobile phone as also SIM Card so as to facilitate further investigation in the matter against the backdrop of the allegations contained in the FIR.

Learned State counsel upon instructions from Inspector Subhash would apprise the Court that the petitioner has since joined investigation and has already handed over the mobile phone as also SIM Card. State counsel submits that the report from the F.S.L., Madhuban is awaited.

Counsel appearing for the complainant has also been heard.

A vital fact that has not been controverted is that there is a matrimonial dispute going on between the sister of the petitioner/accused and brother of the complainant.

Without making any observations on merits and in view of the fact that the petitioner has already joined investigation, this Court is inclined to accept the prayer made in the petition. Accordingly, the present petition is allowed. The order dated 24.10.2016, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

17.04.2017

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Whether speaking/reasoned:	Yes
Whether Reportable:	No