

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

CRM-M-46227-2016 (O&M)

Date of decision: 21.08.2017

Jogesh Kumar Jindal

...Petitioner

Versus

State of Punjab and another

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. R.S. Rai, Sr. Advocate, with
Mr. Amit Jhanji, Advocate,
for the petitioner.

Mr. Abhaypal Singh Gill, Asstt. A.G., Punjab.

Mr. Vivek Salathia, Advocate,
for respondent No.2.

JAISHREE THAKUR, J. (ORAL)

CRM-1307-2017

The instant criminal miscellaneous application has been preferred seeking to cancel the interim bail granted to the petitioner Jogesh Kumar Jindal vide order dated 23.12.2016.

In the application, it had been mentioned that any compromise that had been arrived at between the parties was not genuine while disputing the signatures of the complainant on the said compromise and other documents.

During the course of hearing in the application for cancellation of bail, the standard signatures of the complainant/applicant obtained in the Court along with the disputed documents, were sent for a comparison to the FSL. As per the FSL report made available to this Court today, it transpires

that there is a similarity in the signatures in question and the standard signatures obtained. A photocopy of the said report is taken on the record while supplying a photocopy of the same to the parties.

In view of the report received, counsel for the complainant withdraws the instant application.

Dismissed as withdrawn.

The passport bearing No. M3482649 that was handed over in Court to the counsel for the State for using it for comparison of the standard signatures, has been handed over back to the complainant in Court today. Let her signatures be taken on the order sheet acknowledging receipt of the same.

CRM-M-46227-2016

The instant petition under Section 438 Cr.P.C. has been filed by the petitioner for grant of anticipatory bail in case FIR No. 98 dated 09.05.2016 under Sections 354-A(1), 506 IPC and Section 67-A of Information & Technology Act, registered at Police Station Salem Tabri, District Ludhiana.

This Court was pleased to pass the following order on 23.12.2016 :-

“Heard. Learned counsel for the petitioner contends that there is no offence as made out under Section 67-A of the Information of Technology Act, which would only get attracted in case there is any publication or transmission of material, which is objectionable in nature or such material which contains sexually explicit act or conduct of a person. A bare reading of the FIR does not disclose that such an offence has been committed. He further contends that the petitioner is

ready and willing to join the investigation and hand over the whatever record is available with him. Notice of motion for 22.03.2017.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.”

Learned counsel for the State submits that pursuant to the order dated 23.12.2016, the petitioner has joined investigation.

Since the petitioner has joined the investigation, the petition is allowed and interim order dated 23.12.2016 is hereby made absolute subject to the condition that the petitioner will join the investigation as and when required by the police; will not tamper with evidence or hamper the investigation; will not leave India without permission of the Court and will comply with the conditions contained in Section 438(2) Cr.P.C.

21.08.2017

Satyawan

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned

Yes.

Whether reportable

No.