

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-12604-2017(O&M)

Date of Decision: 27.02.2018

Jangsher Singh

--Petitioner

Versus

State of Haryana

--Respondent

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

Present:- Mr. K.S. Khehar, Advocate for the petitioner.

Mr. Deepak Sabherwal, Addl. A.G., Haryana.

TEJINDER SINGH DHINDSA.J (Oral)

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.31 dated 15.3.2017 under sections 419, 420, 465, 468, 471, 499, 500, 120-B I.P.C and section 72 of Information & Technology Act, registered at Police Station, Khizrabad, District Yamunanagar.

On 14.4.2017, while issuing notice of motion, the following order was passed by this Court:-

“Petitioner seeks the concession of pre-arrest bail in case FIR No.31 dated 15.03.2017 under sections 419, 420, 465, 468, 471, 499, 500, 120-B I.P.C and section 72 of the Information & Technology Act, registered at Police Station, Khizrabad, District Yamunanagar.

FIR came to be registered on the statement of Ashok Kumar claiming himself to be real brother of the Speaker, Haryana Vidhan Sabha. Complainant has alleged that a few days back one audio clip had gone viral on WhatsApp and in which a person has impersonated for the complainant and the content of such audio clip are defamatory

in so far as the complainant as also his family is concerned. Complainant further alleges that the voice in such audio clip appears to be that of one Ram Nath resident of Lal Pur, Tehsil Naraingarh, District Ambala. Further asserted that earlier in point of time also a fake audio clip had been prepared and in which the voice was also that of Ram Nath. Allegations in a nutshell are with regard to preparing a fake voice audio in the name of the complainant in pursuance to a conspiracy having been hatched.

Counsel would submit that the name of the present petitioner does not even figure in the FIR. He is sought to be implicated solely on the basis of the disclosure statement of Ram Nath, who is himself an accused in FIR No.323 dated 25.12.2016 under sections 306, 34 I.P.C. Further contended that the voice samples of complainant Ashok Kumar have already been collected and sent to F.S.L., Madhuban for purposes of comparison and such report is still awaited.

Counsel submits that against the backdrop of the allegations leading to the registration of FIR the petitioner who himself is a police official with an unblemished service record, his custodial interrogation would not be warranted as he is otherwise ready and willing to join investigation.

Notice of motion, returnable for 29.5.2017.

In the meanwhile, petitioner is directed to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438 (2) Cr.P.C.”

Concededly, petitioner joined investigation and even his voice sample was collected.

On the last date of hearing i.e. 6.2.2018 learned State counsel had submitted that a report from the F.S.L., Madhuban (Karnal) dated 25.1.2018 had since been received but the contents thereof are yet to be examined and which would reflect upon the complicity of the petitioner against the backdrop of the allegations.

During the course of resumed hearing, learned State counsel submits that the report of the F.S.L is not conclusive and no firm opinion has been recorded against the petitioner.

In view of the facts and circumstances of the case and the petitioner concededly having joined investigation, his custodial interrogation, as such, would not be warranted. Accordingly, the present petition is allowed. The order dated 14.4.2017, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

27.02.2018

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No