

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

CRM-M-22047-2017

Date of decision: 03.07.2018

Nitesh Chauhan

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Rajesh Sharma, Advocate
for the petitioner.

Ms. Rajni Gupta, D.A.G., Punjab.

Mr. Navraj S. Mahal, Advocate,
for the complainant.

JAISHREE THAKUR, J. (ORAL)

This is a petition that has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No. 194 dated 31.12.2016 registered under Sections 66-A, 67 of Information Technology Act, 2000 and under Sections 354 & 509 IPC at Police Station Divn. No.1, Jalandhar.

This Court was pleased to pass the following order on 14.07.2017 :-

“Reply on behalf of the respondent-State has been filed in Court today and the same is taken on record. A copy thereof has been supplied to the counsel opposite during the course of hearing. At the very outset, counsel for the petitioner contends that petitioner is ready to hand over the phone used for sending messages

as alleged by the complainant.

The grant of anticipatory bail to the petitioner is opposed by the counsel for the complainant on the ground that the petitioner is continuously harassing the complainant and her family members as well as disturbing the matrimonial life of the daughter of the complainant.

Counsel for the respondent-State urges that, to date, the petitioner has not handed over the said phone as required.

I have heard counsel for the parties and in view of the fact that counsel for the petitioner has submitted that all cooperation would be extended and the said phone would be handed over to the police, the petitioner is granted interim protection till the next date of hearing only.

The petitioner is directed to appear before Inspector/SHO Navdeep Singh, PS-Division No. 1, Jalandhar on or before 19.07.2017.

In the meantime, the petitioner be not arrested till the next date of hearing before this Court. Put up on 20.09.2017.”

Further on 20.11.2017, this Court was pleased to pass the following order :-

“Counsel appearing on behalf of the respondent-State submits that the petitioner has handed over one mobile phone along with one sim card to the Investigating Officer. However, on investigation, it is found that in fact, the petitioner was using four sim cards bearing Nos.+63 938046xxxx, +91 964387xxxx, +91 991049xxxx and +63 938044xxxx, which have yet not been recovered.

Faced with this, learned counsel for the petitioner seeks some time to rejoin the investigation. The petitioner is directed to appear before the Investigating Officer on 27.11.2017.

Adjourned to 27.02.2018.

Interim order to continue.”

Learned counsel for the petitioner submits that the petitioner has joined the investigation.

Learned counsel for the respondent-State, on instructions from ASI Sukhraj Singh, confirms the factum of joining investigation by the petitioner while also submitting that pursuant to the order dated 20.11.2017 the SIM cards have not been handed over. She further submits that the challan has been presented in the Court on 14.05.2018.

Since the petitioner has joined the investigation and the challan has been presented against him in the Court, the petition is allowed and interim order dated 14.07.2017 is hereby made absolute subject to the condition that the petitioner 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.

03.07.2018

Satyawan

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes.
No.