

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

CRM-M-7783 of 2019 (O&M)
Decided on:- December 16, 2019.

Mantosh Anand Kumar.

.....Petitioner.

Versus

State of Haryana and another

.....Respondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Amarjit Singh Ahluwalia, Advocate
for the petitioner.

Mr. B.S. Virk, D.A.G., Haryana.

Mr. Sushil Bhardwaj, Advocate
for respondent No.2.

HARI PAL VERMA, J. (Oral)

CRM-39520-2019

Prayer in this application filed under Section 482 Cr.PC is for grant of permission to incorporate the offence under Section 66-D of the Information Technology Act, 2000 (for short, the I.T. Act) in the head note as well as prayer clause of the petition.

Learned counsel for the petitioner states that during pendency of the present petition, the offence under Section 66-D of the I.T. Act has been added in the FIR by the investigating officer. Therefore, necessity has arisen to add the said offence in the head note as well as prayer clause of the petition.

For the reasons stated in the application, the same is allowed and the offence under Section 66-D of the I.T. Act is ordered to be added in the head note as well as prayer clause of the main case. Registry is directed to make necessary correction in this regard.

CRM-M-7783-2019

The petitioner has filed the present petition under Section 438 Cr.P.C. seeking anticipatory bail in the event of his arrest in FIR No.1279 dated 19.10.2018 under Sections 354-D and 506 IPC (Section 66-D of the I.T. Act added later on) registered at Police Station City Karnal, District Karnal.

Learned counsel for the petitioner states that pursuant to the orders dated 21.02.2019 and 20.08.2019 passed by this Court, the petitioner has joined the investigation.

Learned State counsel, on instructions from ASI Suresh Kumar, does not dispute the aforesaid fact and states that custodial interrogation of the petitioner is no more required at this stage.

I have heard learned counsel for the parties.

Since the petitioner has joined the investigation and his custodial interrogation is no more required, the present petition is allowed and the interim bail granted to the petitioner vide order dated 21.02.2019 is made absolute.

However, if required, the petitioner shall continue to join investigation as and when required to do so and shall abide by the terms and conditions, as laid down under Section 438(2) Cr.P.C.

However, before parting with the case, this Court cannot ignore the fact that during pendency of the present petition, the petitioner has posted

some message on *Twitter*, which is inappropriately worded and unwarranted. When the petitioner was confronted with this message on *Twitter*, the petitioner, who is present in Court, has tendered his unconditional apology and submitted his additional affidavit before this Court. He has submitted that he had never the intention to show this message either to respondent No.2 or it refers to any Court. Moreover, the same was not sent to respondent No.2 and the same was taken out from the *Twitter* by respondent No.2 and contents thereof have been misinterpreted. The petitioner undertakes that in future, he will not post such message on *Twitter* and will not use the smart phone for a period of six months from the date of filing the present affidavit. He also undertakes neither to chat with respondent No.2 nor he will post any type of *tweet* on the *Twitter* against respondent No.2.

Though the message posted by the petitioner on *Twitter* cannot be appreciated in any manner, but considering the nature of dispute between the parties, the unconditional apology tendered by the petitioner is hereby accepted. However, subject to the condition that he shall deposited a sum of Rs.20,000/- with the Bar Association of this Court within a period of one month from today, failing which the present petition shall be deemed to have been dismissed.

December 16, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No