

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

CRM-M-12098 of 2018
Date of Decision: 18.09.2019

SANDEEP KUMAR PARASHAR

....Petitioner

Versus

UNION TERRITORY CHANDIGARH

...Respondent

CORAM:HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Ranvijay Singh, Advocate
for the petitioner.

Mr. Sukant Gupta, A.P.P., U.T. Chandigarh.

MAHABIR SINGH SINDHU, J.(Oral)

Present petition has been filed under Section 438 Cr.P.C.
seeking pre arrest bail in case FIR No. 95 dated 29.06.2017, under
Sections 420 and 120-B of the Indian Penal Code and Sections 66 (C)
and 66(D) of the Information Technology Act, 2000 registered at
Police Station Sector 19, Chandigarh.

On 22.03.2018 while issuing notice of motion the
following order was passed by this Court:

“Petitioner seeks concession of anticipatory bail in case
FIR No.95 dated 29.06.2017 under Sections 420, 120-B
IPC and Sections 66 (C) and 66 (D) of the Information
Technology Act, 2000 registered at Police Station Sector
19, Chandigarh.

Counsel submits that FIR came to be registered on the
complaint of Naresh Batra. Complainant asserted that he

had received a phone call on 06.08.2016 from a mobile number i.e. 09805452357 as regards up gradation of the SBI Credit Card and having revealed certain details it was found that the information has been misused and an amount of ₹ 8752/- has been deducted from the complainant's account on account of a certain transaction having taken place.

Counsel argues that the transaction in question even as per complainant's version is dated 06.08.2016 whereas the FIR has been got registered after the delay of almost 10 months on 29.06.2017.

Furthermore, counsel very fairly informs the Court that another FIR stands registered against the petitioner in Himachal Pradesh on similar allegations and pertaining to the same mobile number and in which recovery of the mobile phone has already been effected and petitioner has been granted concession of regular bail.

Notice of motion returnable for 08.05.2018.

In the meanwhile, the petitioner is directed to appear before Investigating Officer and to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/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.”

It is contended by learned counsel for the petitioner that in terms of the above order, petitioner has already joined investigation.

Learned State counsel on instructions from the police official has acknowledged the above factual position and stated that the custodial interrogation of the petitioner is no longer required in the present case.

In view of the above, order dated 22.03.2018 is made absolute subject to the provisions of Section 438(2) Cr. P.C.

Petition stands disposed off.

However, it is made clear that above observations may not be construed as an expression of opinion on the merit of the case pending before learned trial Court.

[MAHABIR SINGH SINDHU]
JUDGE

September 18, 2019
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Whether speaking/reasoned	Yes/no
Whether reportable?	Yes/no