

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-13285 of 2019
Date of Decision: 18.09.2019

Shashi Shankar Tiwari

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

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

Mr. Rakeshinder Singh Sidhu, A.A.G. Punjab.

Mr. Vikram Rathore, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No. 43 dated 27.01.2018 registered for the offence punishable under Sections 67-A of Information and Technology Act, 2000; and 6 of Indecent Representation of Women Prohibition Act, 1986, at Police Station Jodhewal, District Ludhiana.

Heard.

Learned State counsel on instructions from ASI Gurmeet Singh submits that mobile phone from which messages were sent has not been recovered so far, as such, the investigating officer is not in a position to apprise this Court about the fact that messages were indeed sent from mobile phone of petitioner.

As per complainant, she was sent obscene messages from
phone number as mentioned in the FIR itself.

Learned State counsel further submits that some voice messages were sent from phone no. 94727-51888, which was saved in the mobile phone of complainant in the name of petitioner but on investigation it has been found that the said mobile number was not in his name.

The petitioner has joined the investigation. The mere fact that mobile used to send obscene messages to complainant, has not been recovered from him, cannot be a reason to infer that he is not cooperating with the investigating officer in the investigation of the case.

Keeping in view above facts but without expressing any opinion on the merits of the case, this petition is allowed and order dated 25.03.2019 is made absolute till the presentation of challan, subject to the following terms:-

- (i) that the petitioner shall make himself available for interrogation by the police as and when required;
- (ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that the petitioner shall not leave India without the prior permission of the Court.
- (iv) that the petitioner will seek regular bail on the presentation of challan in Court.

September 18, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No