

Sr. No.205

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

CRM-M-36733-2018(O&M)
Date of decision:27.05.2019

Sonali Ahlawat and another

..... Petitioners

versus

State of Haryana and another

..... Respondents

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. R.S.Rai, Sr. Advocate with
Mr. Sushik Jain, Advocate
for the petitioners.

Mr. M.D.Sharma, AAG, Haryana.

Rajbir Sehrawat, J(Oral)

CRM-34765-2018

Since the main case is being disposed of, this application is disposed of as infructuous.

CRM-M-36733-2018(O&M)

Present petition has been filed seeking issuance of appropriate directions to the Investigating Officer to release the petitioners on bail forthwith in the event of their arrest in FIR No.35, dated 13.08.2018 (Annexure P-1) initially under Section 419 IPC and Section 66 of the Information Technology Act, 2000 and Section 420 subsequently added later on; registered at Police Station Cyber Crime, Gurugram, District Gurugram.

Learned counsel for the petitioners submits that both the petitioners have joined investigation pursuant to the Order dated 24.08.2018 passed by this Court. They have been co-operating with the Investigating

Officer of the case. It is further submitted that the petitioners would co-operate with the Investigating Officer even further.

Learned State counsel, being instructed by ASI Anil Kumar, and learned counsel for the Complainant/respondent No.2 submit that the investigation of the case is not being completed due to lack of full co-operation on the part of the petitioners. It is further submitted that voice samples of the petitioners are required to match the same with the data which has been taken by the Investigating Officer from the Telecom operators, so as to connect the petitioners to the crime. Still further it is submitted that the other details regarding the substituted e-mail ID, wherein the call details and record of the complainant had been received by the petitioners is yet to be disclosed by the petitioners. Petitioners have not disclosed the password and the data available in that e-mail account.

As a response to this, learned counsel for the petitioners has submitted that in the connected petition which is disposed of vide Order of even date, a statement has already been made by the petitioners that they would be ready to give their voice samples by appearing before the concerned Magistrate. So far as the details of the e-mail ID and password etc; are concerned, learned counsel for the petitioners submits that the petitioners would disclose all the information, which are required by the Investigating Officer in this regard.

In view of the above, present petition is allowed. Order dated 24.08.2018 is made absolute.

However, it is further ordered that the petitioners shall join the investigation as and when so required by the Investigating Officer and they shall also fully co-operate with the Investigating Officer. They shall also abide by the terms and conditions laid down under Section 438 Cr.P.C.

27th May, 2019

Shivani Kaushik

**[RAJBIR SEHRAWAT]
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>