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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29154-2019

Date of Decision: 03.12.2019

Parul Sharma

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Namit Khurana, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

Mr. Gautam Dutt, Advocate for the complainant.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.23 dated 25.04.2019 under Sections 66-C, 66-D and 73 of the Information Technology Act, 2008 and Sections 419 and 420 IPC, registered at Police Station Cyber Crime, Gurugram, District Gurugram. The petitioner apprehended her arrest at the hands of Police.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 11.07.2019 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel for the petitioner contends that the complainant is husband of the petitioner and the matrimonial dispute between them is pending. It is alleged that as per the allegations, income tax account was hacked, however, the same was

retrieved by the complainant himself after few hours. The occurrence took place in March 2019 whereas the FIR was lodged on 25.04.2019. It is pointed out that no loss was suffered by him and in the given facts, the custodial interrogation of the petitioner may not be necessary.

Notice of motion for 22.08.2019.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on her furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted herself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel who is assisted by ASI Vinod Kumar does not dispute this fact that the petitioner has joined the investigation. Learned counsel on instructions from ASI Vinod Kumar further states that the petitioner is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 11.07.2019 is made absolute.

03.12.2019

Jasmine Kaur

(MANOJ BAJAJ)
JUDGE