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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34842-2019
Date of decision-17.12.2019

Rajeev Vohra

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. J.S.Bhatia, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

MANOJ BAJAJ, J. (Oral)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.211 dated 07.05.2017 under Sections 66 and 66-B of the Information Technology Act, 2000 (Section 420 IPC added later on) registered at Police Station Udyog Vihar, Gurugram. The petitioner apprehended his arrest at the hands of Police.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 27.08.2019 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 has submitted that
the FIR No.211 dated 07.5.2017, Police Station Udyog*

Vihar, Gurugram, was registered for bailable offence punishable under Sections 66/66-B of Information Technology Act, 2000 but the offence punishable under Section 420 IPC (non-bailable) was added recently in the year 2019. According to him the case of the petitioner is identical to the co-accused, who is already on bail.

Notice of motion for 17.12.2019.

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 his 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 State counsel has opposed the prayer on the ground that the petitioner has not joined the investigation.

At this stage, learned counsel for the petitioner submits that notice was sent to the petitioner by Head Constable Rajesh. He has further produced the messages sent by petitioner to the said Head Constable for joining the investigation. He submits that he was made to sit there from dawn to dusk, however, he did not allow him to join the investigation.

After hearing learned counsel for the parties, this Court does not find it necessary to adjourn the case for the purpose of joining the investigation by the petitioner, particularly when the apprehension of arrest

is in respect of newly added offence punishable under Section 420 IPC which was added after two years of the registration of the FIR.

Considering the above, the petition is allowed and the interim bail granted by this Court vide order dated 27.08.2019 is made absolute.

(MANOJ BAJAJ)
JUDGE

17.12.2019
vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No