

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

212

CRM-M-35564-2019

Date of Decision:07.11.2019

Pankaj Gupta @ Pinchu

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Amandeep Singh Manaise, Advocate,
for the petitioner.

Ms. Jasleen Kaur Sidhu, AAG, Punjab.

Mr. Deepak Arora, Advocate, for the complainant.

HARI PAL VERMA, J.(Oral)

Prayer in the present petition filed under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioner in FIR No.11 dated 27.01.2019 under Sections 420, 506, 384, 354-A, 354-C IPC and Section 67-A of the Information and Technology Act, 2000, registered at Police Station City Gurdaspur, District Gurdaspur.

On 29.08.2019, this Court had passed the following order:-

“Counsel for the petitioner has argued that though the petitioner was initially admitted on bail by the learned Additional Sessions Judge, Gurdaspur vide order dated 05.02.2019 for offence under Sections 420, 506 of IPC and 67 (A) of IT Act, however, thereafter, the police has presented challan for the offence including Sections 354-A, 354-C and 384 of IPC. For this reason, the petitioner filed a fresh application under Section 438 of Cr.P.C. seeking anticipatory bail. However, the same was declined. He has further argued that though the sections were added in the case on the

presentation of challan, but the fact remains that these allegations were already there at the time of deciding the earlier bail application on 05.02.2019.

Notice of motion for 05.09.2019.”

Thereafter, vide order dated 05.09.2019 while adjourning the case for today, the petitioner was directed to appear before the trial Court on 06.09.2019 and in the event of his appearance, the trial Court was directed to admit him on bail, subject to his furnishing bail bonds and surety bonds to its satisfaction.

Learned counsel for the petitioner has informed this Court that in terms of order dated 05.09.2019 passed by this Court, the petitioner has appeared before the trial Court and he undertakes to appear during trial regularly unless exemption is granted or sought by him.

At this stage, learned counsel for the complainant states that the allegations against the petitioner are serious as there are allegation of extortion and sending of obscene messages and visuals.

Heard learned counsel for the parties.

The limited controversy in the case is for grant of anticipatory bail. Moreover, the allegations so made by the complainant are to be adjudicated during the course of trial. Since the petitioner has appeared before the trial Court and has been admitted on bail, the present petition is allowed and the order dated September 05, 2019 is made absolute.

It is made clear that the petitioner shall appear before the trial Court unless exemption is granted to him.

November 07, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No