

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

CRM-M No.52329 of 2019

Date of decision: 16th December, 2019

Harjinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Ms. Harmeet Kaur, Advocate for the petitioner.

Mr. Pawan Sharda, Sr. Dy. Advocate General, Punjab
for the respondent/State.

Mr. Gurinder Singh, Advocate for the complainant.

FATEH DEEP SINGH, J. (ORAL)

Petitioner Harjinder Singh, who happens to be a police official, in this first anticipatory bail application under Section 438 Cr.P.C. filed in case bearing FIR No.0030 dated 08.06.2019 under Sections 354-A IPC and Section 67-A of Information Technology Act, 2000 (Section 354-A IPC since deleted) pertaining to Police Station Rureke Khan, District Barnala. He is alleged to have been sending messages to the wife of the complainant Jaswinder Singh leading to registration of the present case.

Learned counsel for the petitioner Ms. Harmeet Kaur, Advocate inter alia contends that a bare perusal of the messages do not reflect anything obscene or unwanted and since the petitioner and the

wife of the complainant belong to the same very village, no adverse interpretation can be given to these messages which are only routine one as a social gesture.

Learned State counsel, Mr. Pawan Sharda, Sr. Dy. Advocate General, Punjab on instructions from ASI Manjeet Singh assisted by learned counsel for the complainant Mr. Gurinder Singh, Advocate, does not displace the facts brought before this Court and has fairly conceded putting to knots the very applicability of Section 67-A of the Information Technology Act, 2000.

Appreciating the arguments of the two sides, as has been brought before this Court, the petitioner and wife of the complainant belong to the same area and the messages sought to be exchanged between the two are at the most illustrative of an outcome of goodwill gestures. Thus, without feeling necessity to advert on to the merits of the case, this Court is of the view that it is not a case necessitating custodial interrogation of the petitioner and his joining the investigations would suffice the purpose. In view thereof, the petitioner is directed to appear before the investigating officer within a period of ten days from today. On his doing so, he shall be released on bail to the satisfaction of the investigating officer till submission of report under Section 173 Cr.P.C. (challan). He shall continue to join investigation and shall furnish an undertaking that he shall abide by the conditions specified under Section

438 (2) Cr.P.C. Thereafter, the petitioner will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

December 16, 2019

rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No