

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

CRM-M-34758-2020 (O&M)

Date of decision: 30.10.2020

Pardeep Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Mansur Ali, Advocate &
Mr. Imran Ahmad Ali, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to petitioner in case FIR No. 0007 dated 25.05.2017, registered under Sections 419, 420, 467, 468, 471, 170, 120-B of the IPC and Sections 66(C), 66(D) of the Information Technology Act, 2000 at Police Station Punjab State Cyber Crime, Crime Wing, District S.A.S. Nagar.

Learned counsel for the petitioner submits that as per the allegations in the FIR, registered at the instance of Excise and Taxation Officer, against Lucky and Rajiv Oberoy, it is stated that as per their computer system, the TIN number of the firms, who have not deposited their monthly return on time, used to lock automatically.

Learned counsel further submits that the FIR was registered on 25.05.2017 and son of the petitioner, namely Amit, was also nominated as one of the accused and the only allegation against the petitioner is that the

Internet connection, which was used for operating the said computer system, was in the name of the petitioner and there is no role of the petitioner.

Learned counsel further submits that son of the petitioner has died in the year 2019 and till the time a notice under Section 41-A Cr.P.C. was issued to petitioner for the first time on 24.09.2020, nothing has come against the petitioner.

Learned counsel further submits that though the notice issued under Section 41-A Cr.P.C. is intended to ask a person to join investigation, however, the said notice states that the petitioner was directed to surrender before the Judicial Magistrate First Class or before the Investigating Officer.

Learned counsel, thus, submits that apprehending the arrest, the petitioner moved an application seeking concession of anticipatory bail before the Additional Sessions Judge, however, noticing the fact that son of the petitioner has died, the bail application was dismissed primarily on the ground that a huge loss was caused to State Exchequer.

Learned State counsel, on instructions from SI Jorawar Singh, Cyber Crime, Mohali, could not dispute that the petitioner was nominated on the disclosure of a co-accused on 12.06.2017 and till the time, notice under Section 41-A Cr.P.C. was issued in September, 2020, no evidence has come against the petitioner except that the Internet connection, used for the transactions, was in the name of the petitioner.

After hearing learned counsel for the parties, without commenting anything on the merits of the case, considering the nature of allegations against the petitioner and also in view of the fact that petitioner, at the first instance, was issued notice under Section 41-A Cr.P.C., I deem it

appropriate to grant concession of anticipatory bail to him.

Accordingly, the present petition is allowed and petitioner is granted concession of anticipatory bail, subject to conditions envisaged under Section 438(2) Cr.P.C.

However, it will be open for the Investigating Officer to call upon the petitioner to join investigation, if required, by issuing a written notice in this regard.

30.10.2020
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No