

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

208

CRM-M-1870-2021

DATE OF DECISION: 24.02.2021

NEETI PATHANIA @ NITTI PATHANIA ... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Dheeraj Mahajan, Advocate for the petitioner.

Mr. Dhruv Dayal, Senior DAG, Punjab.

Mr. Varinder Basa, Advocate for the complainant.

ANUPINDER SINGH GREWAL, J. (ORAL)

Heard through video conferencing.

CRM-4939-2021

This application is for seeking correction in the headnote and prayer clause of the main petition to incorporate the offence under Section 66 of the Information and Technology Act, 2000.

Learned counsel for the applicant/petitioner contends that offence under Section 66 of the I.T. Act, has been added vide DDR No.32 dated 28.12.2020, therefore, it could not be incorporated in the main petition.

Issue notice in the application.

At the asking of the Court, Mr. Dhruv Dayal, Senior DAG, Punjab accepts notice on behalf of the non-applicant/respondent.

For the reasons stated in the application, the same is allowed and offence under Section 66 of the Information and Technology Act, 2000 be read in the headnote, prayer clause of the main petition and order dated 14.01.2021.

MAIN CASE

The petitioner is seeking anticipatory bail in FIR No. 279 dated 23.12.2020, under Sections 306 and 506 read with Section 34 of the Indian Penal Code, 1860 Section 66 of the Information and Technology Act, 2000 added vide DDR No.32 dated 28.12.2020, registered at Police Station Dhariwal, District Gurdaspur.

Learned counsel for the petitioner contends that the petitioner and her husband, who is the brother of deceased Bharti, had invested money in Modi Care Company wherein Bharti was a director. Several other persons had also invested money in the Company and as the husband of the petitioner was Bharti's brother, they had been demanding their money back from the petitioner and her husband. He has referred to a copy of the WhatsApp messages sent by the husband of the petitioner to his sister Bharti on 24.11.2020 and 25.11.2020 at Annexure P6 wherein he was asking his sister Bharti not to take any foolish steps and come back home and he was also telling her to return his money as he reposed trust in her in view of their sibling relationship. He further contends that the petitioner is a lady with three minor children aged 3 to 10 years.

Learned counsel for the State and the complainant contend that in view of the serious allegations against the petitioner, she is not entitled to the concession of anticipatory bail.

This Court, by the order dated 14.01.2021, had directed the petitioner to appear before the Investigating Officer and join the investigation

and in the event of her arrest, she was to be released on ad-interim bail to the satisfaction of the Investigating/Arresting Officer, subject to the conditions envisaged under Section 438(2) Cr.P.C.

Learned State counsel, upon instructions from ASI Jagdish Singh, states that the petitioner has joined the investigation.

In view of the above and the petitioner having joined investigation, the order dated 14.01.2021 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. She shall also join investigation as and when called upon to do so.

The petition stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

24.02.2021

SwarnjitS

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