

CRM-M-20196-2021

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

CRM-M-20196-2021

Date of decision: 26.08.2021

Mohit Vinay Verma

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Lakhwinder Singh Mann, Advocate,
for the petitioner.

Mr. Avtar Singh Sandhu, Addl. A.G.Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this petition, the petitioner seeks anticipatory bail in case bearing FIR No.170 dated 19.06.2020, registered under Section 67(A) Information Technology Act, 2000 and Section 294 IPC, at Police Station Sirhind, District Fatehgarh Sahib.

Vide order dated 20.05.2021 passed by a Coordinate Bench, the petitioner had been granted *ad interim* pre-arrest bail and directed to join the investigation.

Learned counsel for the petitioner submits that pursuant to the order dated 20.05.2021, the petitioner has joined investigation.

Learned State counsel, on instructions from ASI Baljinder Singh, submits that though the petitioner has joined investigation, yet he has not handed over the mobile to the Investigating Officer. He prays that

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the petitioner be directed to hand over his mobile to the Investigating Officer.

At this stage, learned counsel for the petitioner refers to the order dated 23.04.2021 (Annexure P-4) passed by the learned Addl. Sessions Judge, Fatehgarh Sahib. The aforesaid order would indicate that ASI Baljinder Singh suffered a statement to the effect that the mobile phone had been sold twice/thrice and as per the report from Reliance Jio, the same had been found to be used by Badruddin Samsuddin with No.95942-94883.

In view of the aforesaid statement suffered by ASI Baljinder Singh, this Court finds that the question of recovery of mobile from the petitioner is not justified.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the order dated 20.05.2021 granting interim bail to the petitioner, is made absolute, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

26.08.2021

parveen kumar

(HARNARESH SINGH GILL)

JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No