

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

202

CRM-M-36880 of 2020
Date of Decision: 08.02.2021

Bhupinder Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Jagbir Singh, Advocate,
for the petitioner.

Mr. Surender Singh, AAG, Haryana

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

By this petition, the petitioner seeks the concession of 'anticipatory bail' under the provisions of Section 438 of the Cr.P.C., upon FIR no.176, dated 27.10.2020, having been registered at Police Station Buria, District Yamuna Nagar, alleging therein the commission of offences punishable under Sections 170, 186, 353, 419 of the IPC and Section 66-D of the IT Act, with Section 120-B of the IPC added later.

On November 18, 2020, the following order had been passed:-

“All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

Pursuant to the order dated 10.11.2020, a reply has been filed on behalf of the State, with learned State counsel submitting that the

allegation against the petitioner as regards the offence punishable under Section 66-D of the IT Act, 2000, is that it was on his instructions that a co-accused rung up the SHO and tried to influence him to let certain trucks pass from a particular route.

He further submits that as per instructions none of the trucks has been found to be belonging to the petitioner, but the allegation against him still stands because in the phone call made by his co-accused, he falsely used the name of the Home Minister, Haryana.

Keeping in view the fact that neither the vehicles belong to the petitioner, nor even was the phone call made from his phone, without making any comment on the actual merits of the case, the petitioner is directed to join investigation and if, upon him so joining, he is sought to be arrested, he shall be released on interim bail, upon his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Duty Magistrate, till the next date of hearing.

He shall also comply with all conditions stipulated in Section 438(2) of the Cr.P.C.

If the arresting officer does not join the petitioner in investigation, he would appear before the learned Ilaqa Magistrate immediately, who would then summon the arresting officer and direct him to join him in investigation, in terms of the order of this Court.

Adjourned to 08.02.2021.”

Today, though in the reply of the DSP, the details of the allegations against the petitioner have been given, with it also stated that he is not entitled to the grant of anticipatory bail, however learned State counsel, on instructions from Inspector Rakesh Rana, submits that the petitioner having joined investigation, at least his custodial interrogation is not required.

That being so, with the investigating officer himself not requiring the custodial interrogation of the petitioner, without making any comment on the actual merits of the case, this petition has actually been rendered infructuous and is

disposed of as such.

However, if the petitioners' custodial interrogation is required at any stage hereinafter, in the context of the FIR in question, he would be given 10 days notice before arrest, duly shown to be served upon him.

February 08, 2021
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No