

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

203

CRM-M-11127-2021

Date of Decision:11.02.2022

IQBAL SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. S.P. S. Chakkal, Advocate for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

SUVIR SEHGAL, J.(ORAL)

Heard through video conferencing.

Counsel for the petitioner contends that the FIR, Annexure P-1, has been registered by the complainant, Sarabjeet Kaur, against her husband, Itenderpal Singh, on account of a marital discord and there is no allegation against the petitioner under Sections 406 and 498-A of IPC. Counsel submits that pursuant to the order passed by this Court, the petitioner has joined the investigation.

Upon instructions from ASI Balwinder Singh, State counsel has admitted this fact and has submitted that Section 66(A) of the Information Technology Act, 2000, has been deleted. Still further, he submits that the petitioner is no longer required for custodial interrogation and recovery of mobile phone has been effected from him.

Heard counsel for the parties.

On 03.09.2021, a Co-ordinate Bench of this Court passed the following order:-

“This is a petition that has been filed for grant of anticipatory bail to the petitioners in case FIR No.0001 dated 18.01.2021 under Sections 406, 498A, 120B IPC and Section 66(A) of Information Technology Act, 2000, registered at Police Station Women Cell, District Patiala.

Learned counsel for the petitioner contends that the petitioner has been nominated respondent/accused on the basis of whatsapp messages send by one Itenderpal Singh to his own wife namely Sarabjeet Kaur. In fact the allegation is that Itenderpal Singh has used the mobile phone of the petitioner for sending filthy messages to his own wife, in anger.

Adjourned to 09.02.2022.

Meanwhile, petitioner is directed to join the investigation within a period of one week and on doing so, in the event of arrest the petitioners be released on interim bail to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions incorporated under Section 438(2) Cr.P.C.”

Keeping in view the fact that the petitioner has joined the investigation, is no longer required for custodial interrogation and offence under the Information Technology Act has been deleted, the present petition is allowed and the order dated 03.09.2021 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.

11.02.2022
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No