

Sr. No.220

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

(through video conferencing)

CRM-M-33669-2021

Date of Decision:13.01.2022

Pawan Kumar

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

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

Ms. Jaspreet Kaur, A.A.G. Punjab.

Manjari Nehru Kaul, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioner in case FIR No.67 dated 11.06.2021 under Sections 67 IT Act, 354-A, 354-C, 354-C (2), 354-D, 509 IPC registered at Police Station Taragarh, District Pathankot, Punjab (Offences under Section 354-C (2) and 509 IPC added later on).

Learned counsel for the petitioner submits that the petitioner was neither named nor attributed any role in the FIR in question. He further submits that it was only subsequently in the supplementary statement recorded by the complainant on 23rd July, 2021 i.e. after a month of the registration of the FIR in question, the petitioner was named as an accused in the crime in question, wherein, it was alleged that he along with one other person had thrown certain obscene photographs of the daughter of the complainant at the gate of their house. Learned counsel further submits that

the petitioner is not a man of criminal antecedents, inasmuch as, he is not involved in any other case of similar nature. Further submits that the only offence for which the petitioner can be charged for, in the crime in question at best would be under Section 354-C (2) of IPC, which is triable by Magistrate.

Learned counsel for the petitioner submits that in compliance of the order dated 02.09.2021, the petitioner has joined investigation and co-operated with the investigating agency.

Learned State counsel on instructions from ASI Rajesh Kumar does not dispute the factum of the petitioner having joined the investigation. She further on instruction submits that the petitioner is not required for further investigation much less custodial interrogation.

In view of the above, the petition is allowed and interim order dated 02.09.2021 is made absolute subject to the conditions laid down in Section 438 (2) Cr.P.C.

13.01.2022
rajeev

(Manjari Nehru Kaul)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No