

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(212)

CRM-M-39941-2022

Date of decision: - 22.11.2022

Sachin Gautam

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. G.C. Shahpuri, Advocate,
for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

This is the first petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.46 dated 14.08.2022, under Sections 419, 420 and 120-B IPC and Section 66-D of the Information and Technology Act, 2000, at Police Station Cyber Crime, District Gurugram.

On 05.09.2022, this Court was pleased to pass the following order:-

“Inter alia contends that the petitioner is not named in the FIR and even as per the case of the prosecution, the complainant had received a message from one Mukesh Sharma and not from the present petitioner. As per the investigation, it has surfaced that one Vikram Dalal and Rajat Arora are the persons involved in the alleged incident. With respect to the amount of Rs.1 lac having been deposited in the credit card account of the petitioner, an explanation is sought to be given as has been detailed in paragraph 9 of the petition. Learned

counsel for the petitioner has submitted that the petitioner is ready to join the investigation and in order to show his bonafide, the petitioner is ready to pay an amount of Rs.1 lac to the complainant within a period of two weeks from today, without admitting his liability in the matter. It is further submitted that the petitioner is not involved in any other case.

Notice of motion for 22.11.2022.

In the meantime, in the event of arrest, the petitioner is ordered to be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting / Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

The petitioner is directed to prepare a demand draft of an amount of Rs.1 lac in the name of the complainant and hand over the same to the Investigating Officer within a period of two weeks from today and the Investigating Officer is directed to hand over the same to the complainant after taking receipt from the complainant.

It is made clear that in case the demand draft of the said amount is not handed over to the Investigating Officer within a period two weeks from today, then the interim order granted, is liable to be vacated. The payment of Rs.1 lac to the complainant would be not construed as an admission of guilt by the petitioner.

(VIKAS BAHL)
JUDGE

September 05, 2022"

Learned counsel for the petitioner has submitted that in pursuance of the above-said order, a demand draft of Rs.1,00,000/- in the name of the complainant has been given to the Investigating Officer and the petitioner has joined the investigation.

Learned State counsel, on instructions from the investigating officer, has submitted that the demand draft given by the petitioner has been received by the investigating officer and the petitioner has joined

investigation and is not required for further investigation

Keeping in view the abovesaid facts and circumstances more so, the facts which have been noticed in abovesaid order dated 05.09.2022 and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation, the present petition is allowed and the interim order dated 05.09.2022 is ordered to be made absolute.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

November 22, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No