

208 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-40584-2022

Date of Decision: 09.12.2022

SANDEEP KUMAR

... PETITIONER

VS.

STATE OF PUNJAB AND ANOTHER

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Kanwaljeet Singh Derabassi, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

Ms. Anu Garg, Advocate, for respondent No.2.

VIVEK PURI, J.(ORAL)

On 06.09.2022, the following order was passed:-

“Present petition is under Section 438 Cr.P.C. for seeking anticipatory bail to the petitioner in case FIR No.11 dated 20.01.2020, registered under Sections 195-A/354-D/506 IPC and Section 67 of Information and Technology (Amendment) Act, 2008, at Police Station Lalru, District SAS Nagar.

Briefly, as per the allegations, the petitioner had been working as Electrician in the house of the complainant. At the earlier instance, an FIR No.124 dated 08.12.2017, under Sections 341/354-A/506/427 IPC was registered against the petitioner at PS Lalru, SAS Nagar. Subsequently, the petitioner has been sending obscene messages on WhatsApp to the complainant.

Learned counsel for the petitioner contends that the petitioner has been acquitted in the case bearing FIR No. 241 dated 08.12.2017 in terms of judgment dated 05.01.2022 passed by the Court of learned Judicial Magistrate 1st Class, Dera Bassi. Furthermore, the dispute has been amicably settled between the parties in terms of compromise deed dated 03.08.2022 (Annexure P-4). The complainant has agreed for the quashing of FIR.

Notice of motion.

Ms. Ruchika Sabherwal, DAG, Punjab accepts notice on behalf of the respondent-State.

Ms. Anu Bala Garg, Advocate has put in appearance on behalf of respondent No.2/complainant and filed Vakalatnama, which is taken on record.

Learned counsel for respondent No.2/complainant submits that the dispute has been amicably settled between the parties.

Adjourned to 23.11.2022.

Meanwhile, it is directed that the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner contends that in pursuance of interim directions issued by this Court, the petitioner has joined the investigation. He further contends that even the mobile phone has been passed on to the Investigating Agency.

Learned State counsel, on instructions from ASI Gurmail Singh, has not disputed the aforesaid factual aspects and further submits that custodial interrogation of the petitioner is not required.

Keeping in view the entire circumstances, sufficient grounds are made out to extend the concession of pre-arrest bail to the petitioner. Accordingly, order dated 06.09.2022, vide which the petitioner has been granted interim bail, is made absolute.

Petition is allowed.

09.12.2022
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No