

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

**CRM-M-50262 of 2022
Date of Decision:- 06.12.2022**

Sandeep Behal

....Petitioner

Vs.

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Sant Pal Sidhu, Advocate
for the petitioner.

Ms Kanica Sachdeva, AAG, Punjab.

Mr. Atul Goyal, Advocate for the complainant.

KARAMJIT SINGH, J.(Oral)

Prayer is for grant for regular bail to the petitioner in case having FIR No.114 dated 22.05.2022 registered under Sections 419, 420, 511, 120-B IPC and Section 66-D IT Act (Sections 420, 511 IPC deleted later on and Section 170 IPC added later on) Police Station City Sri Muktsar Sahib, District Sri Muktsar Sahib.

Mr. Atul Goyal, Advocate has put in appearance on behalf of the complainant and filed Power of attorney, which is ordered to be taken on record.

The counsel for the petitioner has submitted that petitioner who is a public servant is falsely implicated in the present case at the instance of the complainant alleging that the petitioner made phone call to the complainant posing himself to be a judicial

officer. The counsel for the petitioner further submitted that the alleged act committed by the petitioner is covered under Section 66-D of Information Technology Act, 2000 and the said provision of law provides punishment for cheating by personation by using computer resource and as per Section 77-B of Information Technology Act, the said offence is a bailable offence. The counsel for the petitioner further submitted that Information Technology Act, 2000 is having overriding effect and prevail upon the provisions of IPC and CrPC. The counsel for the petitioner further submitted that after completion of investigation, the police has presented the challan and it will take considerable time for the trial to conclude and as such, no purpose is going to be served by keeping the petitioner in custody for any longer period.

Short reply by way of affidavit of Ajay Raj Singh, Supt. Of Police, (Investigation) Moga, is filed on behalf of the State and the same is ordered to be taken on record.

The present petition is contested by the State counsel as well as counsel for the complainant, both of whom have submitted that the petitioner who is a public servant is not entitled to concession of bail. The allegations against the petitioner are serious and grave in nature, as he made telephone call to the complainant posing himself to be a judicial officer. However, the State counsel has admitted the fact that after completion of investigation, the police has presented the challan against the petitioner and other accused persons.

I have considered the submission made by counsel for the parties.

All the offences are triable by the Court of Judicial Magistrate 1st Class. The petitioner is in custody for the last more than 1 month and 23 days and after completion of investigation, the police has presented the challan but it will take considerable time for the trial to conclude. The petitioner is a public servant, so there is no apprehension that if he released on bail he is going to flee the course of justice.

In light of the above, this Court is of the opinion that no purpose is going to be served by keeping the petitioner in custody for any longer period. Thus without commenting on the merits of the case the present petition is hereby accepted and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the Trial Court/CJM/Duty Magistrate concerned.

06.12.2022
P. Chawla

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No