

CRM-M-No.54693 of 2021
Date of Decision : 03.01.2022

Versus

State of Punjab ...Respondent

Present: Mr. S.P. Soi, Advocate and
Mr. Sahil Soi, Advocate
for the petitioner.

(Through Video Conferencing)

ANOOP CHITKARA, J (ORAL)

FIR No.	Dated	Police Station	Sections
92	07.12.2021	Patara, District Jalandhar Rural.	354-A, 354-D, 506 and 509 of IPC, 1860 and Section 67 of Information Technology Act, 2000.

Apprehending arrest in the above captioned FIR, the accused has come up before this Court under Section 438 Cr.P.C., seeking anticipatory bail.

NOTICE.

2. Ms. Monika Jalota, learned Deputy Advocate General, Punjab, appears and opposes the accused's interim protection from arrest. On instructions from Inspector Joginder Singh, learned State counsel submits that the investigator wants to arrest the petitioner because custodial investigation is required in the present case.

3. As per Cr.P.C., the offences under Sections 354-A, 354-D, 506 and 509 are bailable. Furthermore, Section 67 of Information Technology Act, 2000 says that the punishment for first offence may extend upto three years

with fine which may extend upto five lakh rupees and in the event of second offence, the punishment may extend upto five years and also with fine which may extend upto ten lakh rupees, is bailable. Since all the offences as mentioned above are bailable, this court cannot legally deny bail to the petitioner.

4. In the even of arrest, the petitioner shall be released on bail in the FIR mentioned above, subject to furnishing a personal bond of Rs. Ten thousand (INR 10,000/-), and with one surety of Rs. Twenty-five thousand (INR 25,000/-), to the satisfaction of the Investigator. Before accepting the surety, the Attesting Officer must satisfy that in case the accused fails to appear in Court, then such sureties are capable to produce the accused before the Court, keeping in mind the Jurisprudence behind the sureties, which is to secure the presence of the accused.

5 The furnishing of the personal bond shall be deemed acceptance of the following and all other stipulations, terms, and conditions of this bail order:

a) The petitioner to execute a bond for attendance in the concerned Court(s). Once the trial begins, the petitioner shall not, in any manner, try to delay the proceedings, and undertakes to appear before the concerned Court and to attend the trial on each date, unless exempted. In case of an appeal, on this very bond, the petitioner also promises to appear before the higher Court in terms of Section 437-A Cr.P.C.

b) The attesting officer shall, on the reverse page of personal bonds, mention the permanent address of the petitioner along with the phone number(s), WhatsApp number (if any), e-mail (if any), and details of personal bank account(s) (if available), and in case of any change, the petitioner shall immediately and not later than 30 days from such modification, intimate about the change of residential address and phone numbers, WhatsApp number, e-mail accounts, to the Police Station of this FIR to the concerned Court.

c) The petitioner shall not influence, browbeat, pressurize, make any inducement, threat, or promise, directly or indirectly, to the witnesses, the Police officials, or any other person acquainted with the facts of the case, to dissuade them from disclosing such facts to the Police, or the Court, or to tamper

with the evidence.

d) The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer; and shall cooperate with the investigation at all further stages as may be required. In the event of failure to do so, it will be open for the prosecution to seek cancellation of the bail. Whenever the investigation occurs within the police premises, the petitioner shall not be called before 8 AM and shall be let off before 5 PM, and shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

6. This order does not, in any manner, limit or restrict the rights of the Police or the investigating agency from further investigation per law.

7. Any observation made hereinabove is neither an expression of opinion on the merits of the case, nor shall the trial Court advert to these comments.

8. In return for the protection from incarceration, the Court believes that the accused shall also reciprocate through desirable behavior.

9. *There would be no need for a certified copy of this order for furnishing bonds. Any Advocate for the petitioners can download this order along with the case status from the official web page of this Court and attest it to be a true copy. The Prosecutor shall also verify the downloaded copy by comparing it from the official web page. In case the attesting officer or the Court wants to verify the authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.*

Petition **allowed.**

(ANOOP CHITKARA)
JUDGE

January 03, 2022

Manpreet

Whether speaking/reasoned
Whether reportable

Yes
No