

2023:PHHC:076784

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

CRM-M-10356-2023

Date of Decision: 26.05.2023

**RAKHI @ RIYA AGGARWAL
VS.**

... PETITIONER

STATE OF HARYANA

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Raghav Sharma, Advocate
for the petitioner.

Mr. Ranvir Singh Arya, Additional Advocate General, Haryana.

VIVEK PURI, J.(ORAL)

1. On 28.02.2023, the following order was passed:-

“The petitioner is seeking anticipatory bail in the case bearing FIR No.305 dated 11.06.2022 under Section 67-A of the Information Technology Act, registered at Police Station Thanesar, District Kurukshetra.

Learned counsel for the petitioner contends that the obscene photographs of the daughter of the complainant were sent from mobile phone number 82229-26957 to Lalit Garg on 02.03.2022 with whom the daughter of the complainant was engaged. At the earlier instance, the daughter of the complainant and Arun, the brother of the petitioner were in relationship but the marriage could not be solemnized. The daughter of the complainant had solemnized marriage with Lalit Garg on 24.04.2022. The petitioner is not having any concern and is not subscriber of the aforesaid mobile phone number. The brother of the petitioner had committed suicide on 16.04.2022 and FIR bearing No.145 dated 06.05.2022 under Section 306 IPC has been registered at Police Station Sector 13/17 Panipat against the complainant in the present case alongwith his daughter, son-in-law and others. The present FIR has been lodged at a subsequent stage as a counter blast of the aforesaid FIR.

Notice of motion.

Mr. Ranvir Singh Arya, Additional Advocate General, Haryana, accept notice on behalf of the respondent-State.

Adjourned to 26.05.2023.

In the meanwhile, the petitioner is directed to join investigation and in the event of her arrest, she shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged under Section 438 (2) of Code of Criminal Procedure.”

2. Status report by way of affidavit of Rajneesh Kumar, Deputy Superintendent of Police, District Ambala Cantt has been placed on record.

3. Learned counsel for the petitioner contends that in pursuance of interim directions issued by this Court, the petitioner has joined the investigation. Furthermore, the petitioner is not the subscriber of mobile phone number i.e. 82229-26957 and the same is in the name of Deepak Saluja.

4. Learned State counsel, on instructions from ASI Raghbir, submits that though the petitioner has joined the investigation but mobile phone is yet to be recovered. It has been further submitted that Deepak Saluja has joined the investigation and stated that he has got issued the aforesaid mobile phone number from vodafone company and delivered it to the petitioner.

5. It is significant to note that the petitioner is not the subscriber of aforesaid mobile phone number and has joined the investigation in pursuance of interim directions issued by this Court.

6. 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 28.02.2023, vide which the petitioner has been granted interim bail, is made absolute.

7. Petition is allowed.

26.05.2023
smriti

(VIVEK PURI)
JUDGE

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