

206

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

CRM-M-11465-2023

Date of Decision:27.07.2023

Jamshida

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Sarfraj Hussain, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

N.S.Shekhawat J. (Oral)

The petitioner has filed the instant petition under Section 438 of the Cr.P.C. with a prayer to grant a anticipatory bail to her in case FIR No.01 dated 28.09.2020 registered under Sections 419, 420, 467, 468, 471, 120-B, 201/204 of IPC and Section 66-C, 66-D of IT Act, 2000 at Police Station Cyber Crime NIT (Cyber Cell), Faridabad.

Learned counsel for the petitioner contends that the FIR in the present case was registered on 28.09.2020 and now after a period of more than two and a half years, she is sought to be falsely implicated in the present case. He further contends that the petitioner was not named in the FIR and had no concern with the allegations levelled in the present FIR. Rather, she has been falsely involved in the present case as the officials of Cyber Cell, Faridabad were already inimical towards her. Learned counsel further contends that the petitioner had lodged one FIR No.142 dated 04.08.2020 under Sections 406 and

34 of IPC, 1860 at Police Station Bicchor District Nuh (Annexure P-1) against EHC Jakir Hussain, who was posted in CIA, Sector-56, Faridabad and his other colleagues as they had demanded a bribe of Rs. 4.60 lacs from the present petitioner. Learned counsel further contends that Junaid Khan, who was nephew of the petitioner, alongwith five other persons were illegally picked and detained by the Cyber Cell, Faridabad and were severely beaten up and tortured by them. Later on, by accepting the bribe of Rs.70,000/-, Junaid Khan was released, but due to the injuries suffered by him in Cyber Cell, Faridabad, Junaid Khan expired on 12.06.2021. Consequently, FIR No.82 dated 13.06.2021, under sections 342, 302, 34 of IPC at Police Station Bicchor Nuh (Annexure P-2) was registered against the police officials of Cyber Cell, Faridabad. Learned counsel further contends that now the police of Cyber Cell, Faridabad wants to falsely involve the present petitioner by fabricating the evidence against her. Even otherwise, the petitioner is a house wife and is an illiterate lady and does not know how to operate a computer. Learned counsel for the petitioner contends that in the status report submitted by the State of Haryana, the involvement of the petitioner has been wrongly shown in two more cases because in the said status report itself, it has been mentioned that the challan has already been presented in the said two FIRs, and the cases are listed for prosecution evidence; whereas as a matter of fact that the petitioner was never arrayed as an accused in the said challans and till date, she has not received any summons either from the police or from any Court.

On the other hand, learned State counsel has vehemently opposed the grant of concession of bail to the petitioner on the ground that she was also

involved in the present crime alongwith her son Sahid Khan. She further submits that even two more FIRs have been registered against the present petitioner, which are pending for investigation with Cyber Cell, Faridabad. However, it is not in dispute that as per the status report submitted by the police itself, in the said two cases, challan has already been presented before the competent Court and the matters are listed for prosecution evidence.

I have heard learned counsel for the parties and perused the record.

Without commenting on the merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail, subject to the conditions as provided under Section 438(2) of the Cr.P.C.

It will be open for the Investigating Officer to call the petitioner to join investigation, if so required, by issuing a written notice in this regard and she shall abide by the conditions mentioned in Section 438(2) of the Cr.P.C.

27.07.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No