

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

204

CRM-M-17085-2023
Date of decision: 03.07.2023

Hem Raj

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Dinesh Mahajan, Advocate
for the petitioner

Mr. Manipal Singh Atwal, DAG, Punjab

AMAN CHAUDHARY. J.

1. On 19.04.2023, this Court had passed the following order:-

“The present petition has been filed under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioner in case FIR No.48 dated 28.10.2021, registered under Sections 67-B of Information Technology Act, 2000 at Police Station Punjab State Cyber Crime, SAS Nagar, District SAS Nagar.

Learned counsel contends that the alleged incident took place on 16.12.2020, however, the FIR had been lodged on 28.10.2021, wherein the allegations levelled against the petitioner are of having uploaded and transmitted one clip of child pornography on 16.12.2020, which according to him are false. He is not involved in any other criminal case and is ready and willing to join investigation as and when required by the investigating agency.

Notice of motion.

At the asking of the Court, Mr. Manipal Singh Atwal, DAG Punjab accepts notice on behalf of respondent-State. He has filed status report by way of affidavit of Prabhjot Kaur, PPS, DSP, State Cyber Crime Cell, Punjab, Phase IV, SAS Nagar (Mohali), which is taken on record. Copy thereof has been furnished to the learned counsel for the petitioner.

Meanwhile, the petitioner is directed to join the investigation on or before 25.04.2023. In the event of arrest of the petitioner, he shall be released on interim bail to the satisfaction of the Arresting Officer, subject to compliance enshrined under Section 438(2) Cr.P.C.

However, it is clarified that if the petitioner does not join and cooperate with the Investigating Agency as required by the Arresting/Investigating Officer, this interim order shall be deemed to have been vacated. Adjourned to 30.05.2023.”

2. Learned counsel submits that in pursuance of the above order, the petitioner has not only joined investigation, but also fully cooperated with the investigating agency. He further submits that in case the investigating agency requires the petitioner to appear, he shall make himself available without demur.

3. Learned State counsel on instructions from Inspector Zorawar Singh affirms the factum of joining the investigation by the petitioner and cooperating with the investigating agency. He also submits that at this stage, the petitioner is not required for further custodial interrogation.

4. In view of the above and without expressing any opinion on the merits of the case, anticipatory bail petition filed by the petitioner is allowed and the order dated 19.04.2023 granting interim bail to him, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr.P.C.

5. However, it is made clear that if the petitioner fails to join and cooperate with the investigating agency as and when required, the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to him.

(AMAN CHAUDHARY)
JUDGE

03.07.2023

Mehak

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No