

2023:PHHC:096842

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

207

CRM-M-17395-2023

Date of decision : 28.07.2023

Kalyani

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Krishan Singh, Advocate
for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

Ms. Ishita Jain, Advocate
for the complainant.

PANKAJ JAIN, J. (Oral)

On 13.04.2023, while issuing notice of motion, following
order was passed:-

“The petitioner has filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.70 dated 21.03.2023 registered under Sections 66C and 67 of the Information Technology Act, 2000 at Police Station Sector-17, HUDA, Jagadhri, District Yamuna Nagar.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The complainant is the husband of the petitioner and a matrimonial dispute is pending between them. The petitioner has already filed divorce petition and in the counter blast the complainant in connivance with the police official

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got lodged the present FIR against the petitioner. Nothing is to be recovered from the petitioner and her custodial interrogation is not required in the case. The petitioner is already ready and willing to join the investigation.

Notice of motion.

On the asking of the Court, Mr. Munish Sharma, Asstt. A.G., Haryana, who is present in the Court, accepts notice on behalf of the respondent-State and seeks time to complete his instructions.

At this stage, Mr. Namit Khurana, Advocate has put in appearance on behalf of the complainant and filed his memo of appearance which is taken on record.

Learned counsel for the complainant opposes the present petition on the ground that the petitioner just to lower down the reputation of the complainant has hacked his Instagram account and sent some wrong and obscene photographs to the relatives and the colleagues of the complainant. Learned counsel for the complainant seeks time to file his power of attorney.

Adjourned to 28.07.2023.

In the meanwhile, the petitioner is directed to join the investigation and appear before the Investigating Officer within 07 days from today and on her doing so, the petitioner shall be released on interim anticipatory bail subject to her furnishing personal/surety bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) of the Cr.P.C.”

2. Today, learned State counsel submits that the petitioner has joined investigation and is no more required for custodial interrogation.

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Apart therefrom, having heard counsel for the parties, this Court is of the considered opinion that the present FIR relates to matrimonial discord between the parties. The parties are already in the thick of dispute as the petition under Section 13 of Hindu Marriage Act has been filed by the petitioner seeking dissolution of marriage and from the contents therein, it is evident that the relation between the parties turned solve from the day one.

3. Keeping in view the role attributed to the petitioner and the fact of the case and the fact that the prosecution has already made a statement that the petitioner is not required for custodial interrogation, the order dated 13.04.2023 is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

4. Petition stands disposed off.

(PANKAJ JAIN)
JUDGE

28.07.2023

Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No