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

**CRM-M-22709-2023 (O&M)
Date of decision : 13.07.2023**

Satpal Singh @ Soni Sherpuri

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Rajan Singh Dadwal, Advocate,
for the petitioner.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab.

MAHABIR SINGH SINDHU, J.

Petition under Section 438 of the Code of Criminal Procedure has been filed for grant of pre-arrest bail to the petitioner in FIR No.246 dated 28.11.2022, under Sections 384 & 506 (Sections 386, 500 & 120-B added subsequently) of the Indian Penal Code, 1860 (for short, '*the IPC*') and Section 67 of the Information Technology Act, 2000, registered at Police Station City Jagraon, District Ludhiana (Rural).

2. It transpires that above FIR was registered on the basis of statement made by one Amarjit Singh to the effect that petitioner shared false and defamatory news-post on social media, in connivance with co-accused Jatinder Malhotra.

3. The Coordinate Bench vide order dated 05.05.2023 granted interim bail to the petitioner and relevant part of the same reads as under:-

“Present petition has been filed under Section 438 of Cr.P.C., praying for grant of anticipatory bail to the petitioner in case bearing FIR No. 246 dated 28.11.2022 registered under Sections 384 and 506 of the Indian Penal Code and Section 67 of Information and Technology Act 2000 (Sections 386, 500 and 120-B of IPC added later on) at Police Station City Jagraon, District Ludhiana (Rural).

Learned counsel for the petitioner contends that petitioner has been falsely implicated in the present FIR and the only allegation against him is that he shared the news-post on his facebook page and apart from this, no other allegation has been levelled against the petitioner. Learned counsel further contends that other two co-accused, namely, Jatinder Malhotra and Harvinder Singh Saggi have already been granted the concession of anticipatory bail by the trial court as well as by this Court vide orders dated 05.04.2023 (Annexure P-3) and 14.03.2023 (Annexure P-4) respectively. Learned counsel claims parity with other co-accused and further submits that since nothing is to be recovered from the petitioner, so his custodial interrogation is not required and he is ready to join the investigation.

Notice of motion.

Mr. P.S. Grewal, DAG Punjab, who is present in the Court, accepts notice on the asking of the Court and seeks time to file reply/status report.

Adjourned to 13.07.2023.

Meanwhile, in the event of arrest, the petitioner is ordered to be released on interim bail on his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

4. Contends that in terms of the aforesaid order, petitioner has already joined the investigation and his custodial interrogation is not required.
5. The above factual position is duly acknowledged by learned State Counsel, on instructions from the police officer concerned and further stated that custodial interrogation of petitioner is not required at this stage.
6. In view of above, interim order dated 05.05.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
7. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
8. The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.
9. Disposed off accordingly.

13.07.2023

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(MAHABIR SINGH SINDHU)

JUDGE

Whether speaking / reasoned :

Whether Reportable :

Yes

Yes

No

No