

2023:PHHC:085839

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

211/2

CRM-M-26099-2023

Date of decision : 06.07.2023

Vinay Kumar

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Pranav Goyal, Advocate for
Mr. Himanshu Raj, Advocate
for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

PANKAJ JAIN, J. (Oral)

While issuing notice of motion on 22.05.2023, following
order was passed:-

“1. Petitioner (Vinay Kumar) has filed the present petition under Section 438 of the Code of Criminal Procedure seeking grant of anticipatory bail in case FIR No.301 dated 06.04.2023 (Annexure P-1), under Section 72 of the Information Technology (Amendment) Act and Sections 186 & 420 of the Indian Penal Code, registered at Police Station Hisar Sadar, District Hisar, Haryana.

2. Succinctly, the aforesaid FIR was registered on the basis of a written complaint filed by one Satish Kumar, wherein he stated that on 06.04.2023, when the checking team of Regional Transport Authority, Hisar was performing its duties then it was revealed that one boy aged about 21-22 years was chasing the vehicles of checking

2023:PHHC:085839

team on his Motorcycle (Apache), which was without any number plate, and the said boy was making video of the checking team and further disclosing the location of checking team to someone else. Thereafter, the aforesaid boy was apprehended by the checking team near Hisar Cantt. and on enquiry, he disclosed his name as Arun Kumar (co-accused) and stated that he was working for Naveen Goyal, who pays him Rs.500/- per day to share the location of the checking team of Regional Transport Authority, Hisar. He further disclosed that the petitioner used to keep 4-5 boys for the said purpose; and apart from that, two other groups were also being run by Monu Bishnoi and Shamsher Lathar on the Jhupa border and Ram Kumar and Vinay Kumar (petitioner) near Fatehabad, for the same purpose, and they all used to charge Rs.5,000/- to Rs.10,000/- to tell the free road, where the team of Regional Transport Authority was not present, to the owners of different over-loaded vehicles. Said Arun Kumar further disclosed about various WhatsApp groups, who used to share the current location of checking team of the Regional Transport Authority. The complainant further alleged in his complaint that by way of the said illegal activities, the petitioner and co-accused caused hindrance in the official duties of the checking team of Regional Transport Authority and also caused huge revenue loss to the Government.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present FIR (Annexure P-1) as he was nominated in the said case only on the basis of disclosure

2023:PHHC:085839

statement made by co-accused, namely Arun Kumar. It is stated that the whole story of prosecution is based upon conjectures and surmises. It is submitted that all the offences, except the offence punishable under Section 420 of the Indian Penal Code, are bailable and in fact, no offence under Section 420 of the Indian Penal Code is made out in the present case. Learned counsel contends that during investigation, offence under section 72 of the Information Technology Act has been deleted by the police in the aforesaid FIR. It is stated that the petitioner has no concern with alleged crime and moreover, the co-accused, namely Arun Kumar, on whose disclosure statement the petitioner was nominated in this case, has already been granted the concession of regular bail by the Court of Sessions Judge, Hisar vide order dated 17.04.2023 (Annexure P-2). It is further stated that another co-accused, namely Naveel Goyal, has also been granted the concession of ad interim bail by this Court vide order dated 01.05.2023 (Annexure P-3) passed in CRM-M-19903-2023.

4. Learned counsel for the petitioner states that the anticipatory bail application moved by the petitioner before the Court of Sessions Judge, Hisar, has wrongly been dismissed, vide order dated 17.05.2023 (Annexure P-4). Learned counsel submits that the petitioner is ready and willing to join the investigation as and when required by the Investigating Agency or as directed by this Court/trial Court.

5. Notice of motion.

6. At the asking of Court, Mr. Harjinder Singh Sidhu, Assistant Advocate General, Punjab, who is

2023:PHHC:085839

present in Court, accepts notice on behalf of the respondent/State. He prays for an accommodation to seek instructions and file status report in the matter.

- 7. List on 06.07.2023.
- 8. Without commenting anything on the merits of the case, petitioner is directed to join the investigation as and when directed by the investigating agency. In the meantime, in the event of arrest of petitioner, he shall be released on ad interim bail to the satisfaction of the Investigating/Arresting Officer and the petitioner shall abide by the terms and conditions laid down under Section 438(2) of the Code of Criminal Procedure.
- 9. To be heard along with CRM-M-19903-2023.”

- 2. Today, learned State counsel, on instructions from ASI Krishan Kumar, has stated that pursuant to the order dated 22.05.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.
- 3. In view of above, the interim order dated 22.05.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.
- 4. Petition stands disposed off.

(PANKAJ JAIN)
JUDGE

06.07.2023
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No