

(102)

2023:PHHC:081909

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

CRM-M-30198 of 2023

Date of Decision: June 12, 2023

Amandeep **...Petitioner**
Versus
State of Punjab **...Respondent**

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. A.S. Manaise, Advocate for the petitioner.

DEEPAK GUPTA, J.(Oral)

Prayer in this petition filed under Section 438 Cr.P.C is for grant of anticipatory bail to the petitioner in case FIR No.75 dated 31.05.2022 registered under Sections 354-C IPC and Section 66(E), 67 of Information Technology Act, 2000 at Police Station Sri Hargobindpur, Police District Batala, District Gurdaspur.

A short contention raised by learned counsel for the petitioner is that all the offences in question are bailable but the said fact has been ignored even by learned Additional Sessions Judge, Gurdaspur who rejected the similar petition on 29.05.2023. However, learned counsel concedes that in case the offences in question are bailable then this petition seeking anticipatory bail under Section 438 Cr.P.C is not maintainable.

Notice of motion.

Mr. Navneet singh, Sr. DAG, Punjab, accepts notice on behalf of the respondent- State.

It is conceded by learned State Counsel that offences in

question are bailable. Section 66(E) and 67 of the Information Technology Act, 2000 are to be read with Section 77B of Information Technology Act, 2000 making it clear that offences in question are bailable.

In view of the above, this petition is not maintainable and the same is dismissed.

However, petitioner will be at liberty to approach the learned Area Magistrate seeking bail.

June 12, 2023

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(DEEPAK GUPTA)

JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No