

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

206

CRM-M-12031-2023

Date of decision: 30.01.2024

Munish Joshi

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Siddharth Gupta, Advocate
for the petitioner.

Mr. Arun Luthra, DAG, Punjab.

Ms. Archana Arora, Advocate for
Dr. Rau P.S. Girwar, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.0026 dated 14.02.2023 under Sections 295-A of the Indian Penal Code, 1860 and Section 67 of the Information Technology Act, 2000, registered at Police Station Kotwali Bathinda, District Bathinda.

2. On 12.12.2023, while noticing the following submissions made by the learned counsel for the petitioner, this Court had granted the concession of interim bail to the petitioner and asked him to join investigation:-

“Learned State counsel while drawing the attention of this Court to the affidavit, which has been filed today, has contended that as per investigation carried out by the Cyber Crime, Bathinda, it has come to light that the mobile handset of the petitioner had not been used for sending the alleged threats to the complainant. However, learned State submits that report from the headquarters of

‘Facebook’, which is in the United States, have been sought and would be placed on record on the next date of hearing, from which it would become clear as to whether the Facebook account of the petitioner had been hacked or not. Learned State counsel submits that the petitioner be directed to join investigation and hand over his mobile handset etc.”

3. Learned counsel for the petitioner submits that in compliance of order dated 12.12.2023, the petitioner has joined investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions from SI Bayant Singh, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. He, on further instructions, submits that the petitioner is not required for further investigation much less for his custodial interrogation.

5. In view of the above, the petition is allowed and interim order dated 12.12.2023, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

30.01.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No