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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-27989-2024

DATE OF DECISION: 30.05.2024

AMISHA JINDAL

...PETITIONER

Versus

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Himanshu Jawa, Advocate for the petitioner(s).
Mr. J.S. Rattu, DAG, Punjab.
Mr. M.S. Tiwana, Advocate for the complainant.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 438 Cr.P.C., for grant of anticipatory bail in case FIR No.22 dated 13.02.2024 registered under Sections 420/120-B IPC and Section 66(C) of IT Act, 2000 at Police Station City-I, Mansa.

2. Learned counsel for the petitioner submits that the registration of the present FIR is a result of a matrimonial dispute between husband and wife wherein the petitioner is wife of the complainant namely Abhisek Jindal. The allegations against the present petitioner are that email ID of the complainant has been used in the name of address of her in-laws, mentioned in the complaint. He further submits that the present complaint is nothing but a counterblast to the FIR along with other proceedings which have been initiated by petitioner, pending before the Court at Sonapat in the form of FIR No.16 dated 25.05.2023 under Sections 323/34/354/377/406/498-A and 506 IPC registered at P.S. Sonipat and



application under Section 125 Cr.P.C along with the complaint under Section 12 of the Protection of Women From Domestic Violence Act, 2005.

3. Notice of motion.

4. On the asking of Court, learned State Counsel appearing on advance notice, accepts notice on behalf of respondent-State and on instructions from ASI Avtar Singh opposes the prayer for grant of bail. He urges that husband of the petitioner has been saving the voice recordings of call between him and his wife i.e. present petitioner in e-mail account, passwords of which were in knowledge of the present petitioner who while using the same deleted the said recordings from e-mail account of complainant-respondent.

5. Apart from that, learned State Counsel could not produce any incriminating evidence against the petitioner. It is apparent that the action of the complainant is a counter blast to the proceedings made at behest of the present petitioner as has been put on the record in paragraph No.7 of the petition pending before the Court, Sonipat. This Court is also in agreement as far as custody of the present petitioner is concerned that it would not be necessary keeping the petitioner the bar in view the nature of allegations.

6. Learned counsel for the complainant raised the contention that custodial interrogation of the petitioner is must for the purpose of enquiry and to know how she hacked and tampered the e-mail account as well as the Google drive account.

7. This Court is of the view that this contention is not helpful for the complainant at this stage since it is an admitted fact that the petitioner



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was well aware of the passwords of her husband's e-mail accounts and in fact ,the e-mail account was actually in the name of trading company.

8. After having heard learned counsel for the parties and specific stand of learned State Counsel, this Court finds no reason to deny the petitioner the concession of bail if the petitioner has bona fide intentions and is willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

9. Hence, in view of the admitted set of circumstances before this Court, the petitioner is directed to be released on anticipatory bail subject to her joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 438(2) of Cr.P.C.

10. However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within one week, the order passed by this Court today shall automatically stands cancelled.

11. The petition in the aforesaid terms stands disposed off.

(SANDEEP MOUDGIL)
JUDGE

30.05.2024
anuradha

Whether speaking/reasoned Yes/No

Whether reportable Yes/No