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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-28591-2024 (O&M)
Date of decision: 04.07.2024

Singh Karampal Laxmansingh

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Mohit Nehra, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No.45 dated 23.04.2024 (Annexure P-1) under Sections 354-A, 354-D, 419, 509 of the Indian Penal Code, 1860, registered at Police Station Cyber Crime, Bhiwani.

2. On 31.05.2024, the following order was passed:-

“The present petition has been filed under Section 438 of Cr.P.C. seeking anticipatory bail to the petitioner in case bearing FIR No.45 dated 23.04.2024 under Sections 354-A/354-D/419/509 of IPC registered at Police Station Cyber Crime Bhiwani (Annexure P-1).



*Learned counsel for the petitioner inter alia contends that the petitioner has been involved in the FIR (supra) on the allegation that one fake Instagram ID in the name of a school was made from which the messages were sent to some girl student. It is further contended that the Instagram account was traced to an I.P. Address which is linked to the petitioner's father government accommodation and there is no direct evidence to connect the petitioner to the creation or operation of the alleged fake Instagram account. Moreover, the maximum sentence under the offences in which the FIR is lodged is punishable upto three years. No notice under Section 41-A of Cr.P.C. was ever served upon the petitioner. As such, the petitioner is entitled to anticipatory bail in view of the directions issued by the Hon'ble Supreme Court in '**Satender Kumar Antil Vs. CBI**' (2022) 10 SCC 51.*

Notice of motion.

Ms. Geeta Sharma, DAG, Haryana, who is present in Court, accepts notice on behalf of the respondent-State.

*In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI** (2022) 10 SCC 51; **Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others** 2010 SCC OnLine SC 137; **Gurbaksh Singh Sibbia etc. Vs. State of Punjab** (1980) 2 SCC 565, **Arnesh Kumar Vs. State of Bihar** (2014) 8 SCC 273 and **Sushila Aggarwal Vs. State of NCT Delhi** 2020 (1) RCR (Criminal) 833, at the first instance, the petitioner is directed to appear before the Investigating Officer within two weeks from today and on his doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the*



Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating/Arresting Officer and abide by the conditions as provided under Section 438 (2) Cr.P.C.

If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the Illaqa Magistrate, who would then summon the Investigating/Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 04.07.2024.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.”

3. Learned State counsel, on instructions from Inspector Parveen Kumar, at the very outset, informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.

4. In view of the statement of learned State counsel, order dated 31.05.2024 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 438(2) Cr.P.C.

5. The petition stands disposed of.

[HARPREET SINGH BRAR]
JUDGE

04.07.2024
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No