

CRM-M-63251-2023

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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-63251-2023

Date of decision : April 15, 2024

Deval Gujjar and another

....Petitioners

VERSUS

Stae of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Suvir Sidhu, Advocate, for the petitioners
Mr. Pardeep Bajaj, DAG, Punjab
Mr. Aayush Gupta, Advocate, for the complainant

KULDEEP TIWARI,J. (ORAL)

1. On 21.12.2023, the following order was passed:-

“Through the instant petition, under Section 438 of Cr.P.C, prayer is made for grant of anticipatory bail to the petitioners, in case FIR No.98 dated 07.06.2023, under Sections 43, 66(C), 66(D) of the Information Technology Act 2000, and under Sections 419, 420, 120- B, 465, 468, 471 of IPC, registered at Police Station Dugri, District Ludhiana.

As per the version of the prosecution case, complaint bearing No.PGD99124/94531 dated 11.01.2023, was made by the complainant Varinda Kondal against the applicantsaccused with regard to misusing her Gmail Account without her consent. The complainant was inquired intoby Cyber Crime Unit Ludhiana and it had transpired

that Neel Gujjar, in connivance with his parents i.e. The applicants, hacked Gmail ID of the complainant i.e. vrindakondal18@gmail.Com by using his Gmail ID garneel@gmail.com and his mobile phone.+919664966008. Not only this, by using Gmail ID and mobile number similar to the Gmail ID and mobile number of the complainant, the aforesaid persons created fake ID Vrinda K (SH92328765) of the complainant on Shaadi.com, and after taking screen-shot of that fake ID, they produced the same before the Court.

The only allegations qua the petitioners are that, they are in conspiracy with the main accused, has used the screen-shot of that fake ID.

At this stage, Mr. Aayush Gupta, Advocate appears on behalf of the complainant and vociferously argued that the petitioners are the conspirators, and they created a fake ID and then they created a fake profile on Shaadi.com and thereupon, it was used in their bail application filed before this Court.

This Court has also examined the bail order dated 11.05.2023, passed by this Court. The perusal of the order (supra), makes it clear that this court while declining the anticipatory bail, has not taken any cognizance of the documentary evidence, which according to the complainant is a screen-shot of the alleged fake ID.

Notice of motion.

Ms. Kanica Sachdeva, AAG, Punjab, waives service of notice on behalf of the respondent-State of Punjab.

Adjourned to 18.12.2023.

In the meanwhile, arrest of the petitioners shall remain stayed.

To be shown in the urgent list.”

Adjourned to 29.2.2024.

In the meanwhile, the petitioners are directed to join the investigation and in the event of their arrest, they shall be released on interim bail subject to their furnishing personal and surety bonds to the satisfaction of the Arresting/Investigating Officer. The petitioners shall, however, join the investigation as and when called for and shall also abide by the conditions specified under Section 438(2) of the Cr.P.C.”

2. Today, at the very outset, learned counsel for the petitioners has placed on record settlement agreement, effected between the complainant and the petitioners, before the Hon'ble Supreme Court Mediation Centre, which is taken on record as Mark-A.

3. Mr. Ayush Gupta, Advocate, has caused appearance on behalf of the complainant and has admitted the settlement agreement Mark-A.

4. The learned State counsel on instructions imparted to him by the official concerned, submits that the petitioners have already joined the investigation, and they are fully co-operating with the investigation process, and they are not required for any further custodial investigation.

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5. In view of the above, the present petition is **allowed** and order dated 21.12.2023 is, hereby, made absolute subject to the condition that the petitioners shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

April 15, 2024
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(KULDEEP TIWARI)
JUDGE

<i>Whether speaking/reasoned ?</i>	Yes/No
<i>Whether Reportable ?</i>	Yes/No