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IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-60539-2024 (O&M)
Date of Decision: 17.12.2024

JASHANDEEP SINGH

...Petitioner

V/S

STATE OF PUNJAB

...Respondent

CORAM: HON’BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ankur Bansal, Advocate for
Mr. Jasraj Singh, Advocate for the petitioner.

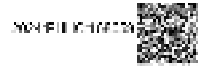
Mr. Sandeep Kumar, DAG Punjab

HARPREET SINGH BRAR J. (Oral)

1.
- Instant petition is preferred under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) seeking anticipatory bail in FIR No.286 dated 18.09.2024 under Sections 354-C & 506 of the Indian Penal Code, 1860 (for short ‘IPC’) and Sections 66-E, 67 & 67-A of the Information Technology (Amendment) Act, 2008, registered at Police Station City Hoshiarpur, District Hoshiarpur.
2.
- On 03.12.2024, following order was passed:

“Instant petition is preferred under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) seeking anticipatory bail in FIR No.286 dated 18.09.2024 under Sections 354-C & 506 of the Indian Penal Code, 1860 (for short ‘IPC’) and Sections 66-E, 67 & 67-A of the Information Technology (Amendment) Act, 2008, registered at Police Station City Hoshiarpur, District Hoshiarpur.

Learned counsel for the petitioner, inter alia, contends that offending video was neither made by the petitioner nor circulated by him. Coaccused, namely, Shivesh Suri prepared the objectionable video of the victimprosecutrix and he circulated the same and no specific role has been attributed to the petitioner. The petitioner has



just opened the link, in which the objectionable video was sent to him. The maximum sentence provided for the offences, under which the FIR (supra) is registered, is upto 05 years. Even no notice under Section 35 of BNSS [erstwhile Section 41-A of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.')] has been served upon the petitioner.

Notice of motion for 17.12.2024.

Keeping in view the ratio of law enunciated by the Hon'ble Supreme Court in Arnesh Kumar Vs. State of Bihar, (2014) 8 SCC 273, Arnab Manoranjan Goswami Vs. State of Maharashtra, (2021) 2 SCC 427, Satender Kumar Antil Vs. CBI, (2022) 10 SCC 51, Siddharam Satlingappa Mhetre Vs. State of Maharashtra and ors., 2010 SCC OnLine SC 1375 and Shri Gurbaksh Singh Sibbia Vs. State of Punjab, (1980) 2 SCC 565, the petitioner is directed to appear before Investigating Officer within a period of one week from today and thereafter, as directed by the Investigating Officer. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing bail/surety bonds to the satisfaction of Investigating/Arresting Officer and the petitioner shall co-operate in the investigation. The petitioner shall cooperate with the investigation/Arresting Officer and abide by the conditions as provided under Section 482(2) of BNSS (erstwhile Section 438(2) of Cr.P.C.).

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

Nothing observed hereinabove shall be construed as an expression of opinion by this Court and learned trial Court shall decide the same on its own merits, strictly in accordance with law."

3. Learned State counsel on instructions from ASI Satnam Singh, submits that in compliance of order dated 03.12.2024 passed by this Court, the petitioner has joined the investigation and is not required for further custodial interrogation.

4. Keeping in view the statement made by learned State Counsel the order dated 03.12.2024, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) of Cr.P.C./482(2) of B.N.S.S.
5. The petition is accordingly disposed of.

17.12.2024	(HARPREET SINGH BRAR)	
Ajay Goswami	JUDGE	
	Whether speaking/reasoned	Yes/No
	Whether reportable	Yes/No