



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-12342-2024

Date of Order: 19.12.2024

Maharaj Saran

... Petitioner(s)

Versus

State of Punjab & others

...Respondent (s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Ms. Ritu Punj, Advocate and
Mr. Sarvesh Rattan, Advocate
for the petitioner(s).

Ms. Swati Batra, DAG, Punjab and
Mr. Akshay Kumar, AAG, Punjab.

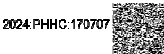
Ms. Meghna Malik, Sr. Panel Counsel
for UOI.

ANOOP CHITKARA, J.

The petitioner, who claims to be father of the alleged detainee namely Anubhav Khanna, had come up before this Court under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *habeas corpus*, for the release of his son.

2. Admittedly, the petitioner's son Anubhav Khanna, who was facing matrimonial discord, an FIR No.120 dated 15.7.2021 under Sections 406/498-A IPC and Section 4 of the Dowry Prohibition Act, 1961 was registered against him. He was granted bail in the said case. During the pendency of the FIR, son of the petitioner applied to go abroad and this Court vide order dated 9.5.2022 passed in CRM-M-47882-2021 permitted him to travel abroad subject to certain conditions incorporated in the said order. As per the petitioner, when the alleged detainee was to go to Abu Dhabi, he was detained at the airport, as a look out circular was issued against him on 13.12.2024 in FIR No.07 dated 7.11.2024 under Sections 66, 72, 84-C IT Act and Sections 78(1)(II) BNS, 2023, PS Cyber Crime, Fazilka.

3. Counsel for the petitioner submits that all the offences are bailable and as such, he could not have been arrested/detained.



4. On the face of it, Section 66 I.T. Act has not been defined as bailable under the I.T. Act. The alleged detainee has already been taken into custody and he has to be produced before the concerned Judicial Magistrate. Even if the offence is not bailable, the maximum sentence which can be imposed is 3 years and thus, this Court expects that the concerned Magistrate before whom the alleged detainee is produced, shall consider his bail application expeditiously without any delay in accordance with law.

There would be no need for a certified copy of this order, and any Advocate for the Petitioner/State can download this order and other particulars as may be required, from the official web page of this Court, and attest it to be a true copy. The concerned court can also verify its authenticity and may download and use the downloaded copy for immediate use, if required.

Petition is disposed of. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

December 19, 2024
AK

Whether speaking/reasoned	:	Yes
Whether reportable	:	No