

(2018) 11 P&H CK 0038

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No.31821 of 2018 (O&M)

Rajiv Indur Dadlani

APPELLANT

Vs

State of Punjab and another

RESPONDENT

Date of Decision : 14-11-2018

Acts Referred:

Indian Penal Code, 1860 — Section 406, 420
Information Technology Act, 2000 — Section 66

Citation : (2018) 11 P&H CK 0038

Hon'ble Judges : Arvind Singh Sangwan, J

Bench : Single Bench

Advocate : Chetan Mittal, Aashish Chopra, Mohinder Nain, Gupreet Randhawa

Final Decision : Disposed off

Judgement

Prayer in this petition is for quashing of FIR No.0002 of 2018 dated 09.06.2018 (Annexure P1) registered under Sections 420 and 406 of the Indian

Penal Code (in short 'IPC') and 66 of the Information Technology Act at Police Station Punjab State Cyber Crime Police Station, S.A.S. Nagar

Mohali.

Learned Senior Counsel for the petitioner has submitted that on 16.08.2018, noticing the fact that the co-accused of the petitioner had been granted

interim relief by the Hon'ble Supreme Court, the same relief was granted to the present petitioner for a period of 03 months.

Learned Senior Counsel for the petitioner has referred to the order dated 11.09.2018 passed by the Hon'ble Supreme Court, which reads as under:-

â??The affidavit dated 10.09.2018 filed by the Deputy Superintendent of Police (Investigating Officer), Bathinda, is taken on record.

The learned counsel for the State submits that the people who have been

granted interim bail by this Court are cooperating with the investigation as of now. It is also submitted that they may not be permitted to leave the country without the leave of this Court.

Therefore, these Special Leave Petitions are disposed of as follows:-

(1) The interim bail granted by the trial Court pursuant to our order dated 30.07.2018 shall continue during the trial.

(2) None of the petitioners shall leave the country without obtaining prior permission from the trial Court.

It is made clear that it will be open to the Investigating Officer to seek cancellation of the bail in case he is of the view that their custodial interrogation is required for the purpose of completing the investigation.

Mr. V. Giri, learned senior counsel, has submitted that the petitioners have an apprehension that the warrants of arrest despite their surrender will still

hang on their heads. We do not find any basis for such an apprehension, since once they have surrendered and they have been released on bail by the

trial Court, the warrants for their arrest and production stand recalled.

Pending interlocutory application(s), if any, is/are disposed of.â??

In view of the order dated 16.08.2018 granting interim bail to the petitioner is made absolute in the same terms.

Disposed of accordingly.

However, counsel for the State, at this stage, on instructions from SI Sandeep Kumar, has submitted that the petitioner has not joined the investigation

and he be directed to join the investigation.

Accordingly, the petitioner is directed to appear before the Investigating Officer on 26.11.2018 at 10:00 am or on any other date or time fixed by him.