

CRM-M-30432-2022
DECIDED ON: 6th DECEMBER, 2022

...PETITIONER

VERSUS

....RESPONDENT

Present: Mr. Dharam Bir Bhargav, Advocate for
Mr. R.K. Handa, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

SANDEEP MOUDGIL, J. (ORAL)

The instant petition came up for hearing before this Court whereby the petitioner has sought anticipatory bail in case FIR No.266 dated 23.06.2022 under Sections 420/467/468/471/120-B IPC and Section 66(C) of the Information Technology Act, 2000 registered at Police Station Sector 7, Panchkula.

Vide order dated 18.07.2022, the petitioner was granted the concession of pre-arrest bail subject to joining the investigation. During the proceedings, on 12.10.2022, 27.10.2022 and 10.11.2022, it was submitted by the State counsel that though the petitioner has joined the investigation but is not co-operating as the mobile phone used in the commission of offence was not got recovered and even the names of the other co-accused were not being disclosed by him.

In this eventuality, the Commissioner of Police, Panchkula was also summoned, who appeared on 10.11.2022 and gave his assurance that if an opportunity is given to the officer, he will conclude the investigation at the earliest. On the said date, the interim protection granted to the petitioner

by this Court, was withdrawn.

Today, reply by way of an affidavit of Mr. Sandeep Khirwar, IPS, Commissioner of Police, Panchkula filed by the counsel for the State is taken on record.

Para Nos. 3 to 7 are reproduced as under:-

“3. That vide orders dated 10.11.2022 passed by the Hon'ble High Court, the interim bail orders qua the accused/petitioner (Raj Kumar) was cancelled. Subsequently, during the course of investigation, accused/petitioner (Raj Kumar) was arrested on 11.11.2022. He was produced before the Ld. JMIC, Panchkula and police remand for two days was obtained. As per his disclosure statement two mobiles were recovered and taken into police custody. The two mobiles which were recovered are as follows:

(i) Make VIVO (1819) having IMEI No. 865840041758999 old) and

(ii) Make Samsung SM-J801G having IMEI No. 359053094093610-01 (new)

Other than the two mobile phones, cash amounting to Rs.97,500/- was recovered from him and the same was also taken in police custody. Accused / petitioner Raj Kumar has further disclosed that fake NOCs were issued by him in connivance with co-accused Udes Pal after receiving a payment of Rs. 15,000/- against each NOC.

Accused/petitioner has further disclosed that he and co-accused Udes Pal having knowledge of procedure to issue the NOC by the DTP office and there is no government fees in this process. They had applied the documents for NOCs and made forged NOCs by using scanned signature of DTP and further uploaded the same on the portal of Revenue Department by using the government Computer. They had worked in office at odd hours for issuing the forged NOCs. He further disclosed that in case of forged NOCs, nobody was involved from the DTP office except him and co-accused Udes Pal.

4. That on 16.11.2022, another person Sohan Lal was joined in the investigation and a thorough enquiry was conducted qua him. He specifically told that he had given a sum Rs.15,000/- per NOC to the accused Raj Kumar and he had got issued 15 NOCs from Raj Kumar for himself and his acquaintances. However, he did not know that the accused was issuing forged NOCs. He only came to know regarding this fact when he and others received notices from the DTP Office for re-submitting the documents regarding the NOCs.

5. That on 19.11.2022 & 20.11.2022, the farmers were also joined in the investigation and their statements were

recorded. They disclosed that they had received fake NOCs from accused/ petitioner Raj Kumar through Sohan Lal.

6. That on 23.11.2022, the statement under section 164 Cr.P.C. of Sohan Lal was recorded before the Ld. Court. Copy of the said statement has been annexed herewith as Annexure R-1.

7. That vide receipt No. CFL No. 22/ CF-961 dated 24.11.2022, the case property (three mobiles, CPU & Laptop) was deposited with CFSL, Sector-3, Panchkula for forensic analysis of the data/conversations of accused persons at the time of committing such crime. The detail of recovery articles is as under :-

a. Laptop MAKE SONY Black MODEL SF152C1WW of accused Udes Pal was recovered from DTP office, Panchkula.

b. Mobile OPPO black of accused Udes Pal was recovered from DTP office, Panchkula.

c. A government device (CPU) installed in DTP office, Panchkula was recovered from DTP office, Panchkula.

d. Make VIVO (1819) having IMEI No. 865840041758999 (old) was recovered from accused Raj Kumar.

e. Make Samsung SM-J801G having IMEI No. 359053094093610-01 (new) was recovered from accused Raj Kumar.”

Since the petitioner has been arrested by the investigating agency and as per reply dated 30.11.2022 of Commissioner of Police, Panchkula, the mobile phones used in commission of offence have been recovered, therefore, the present petition has been rendered infructuous.

Disposed off, as having been rendered infructuous.

However, the petitioner would be at liberty to avail remedy in accordance with law, if so advised.

(SANDEEP MOUDGIL)
JUDGE

6th DECEMBER, 2022

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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>