

**IN THE COURT OF SH. DEVINDER KUMAR GUPTA,
ADDITIONAL SESSIONS JUDGE, S.A.S. NAGAR, (MOHALI).
(UID NO. PB00520).**

B.A. No. 34 of 11.02.2021
CIS no. 358 of 2021
CNR No. PBSA01-000945-2021
Date of Decision: 19.02.2021

Salony Khattar @ Salony Khurana aged about 37 years wife of Vikrant Khattar, resident of House No. 520, JP Nagar, Jalandhar, District Jalandhar.
.....Accused/applicant

Versus.

State of Punjab

.....Respondent.

FIR No. 0002 dated 03.02.2021
U/Ss: 420, 511 of IPC &
Section 66 (D) of Information Technology Act, 2000
P.S.: Punjab State Cyber Crime Police Station, SAS
Nagar, (Mohali)

Bail application under Section 438 Cr.P.C.

Present: Sh. Baljinder Singh Saini, Adv, counsel for accused/applicant
Sh. Charanpal Singh Bagri, Adv, counsel for
accused/applicant.
Sh. S.S. Sahota, Addl. PP for the State.

ORDER:-

Today, learned Addl. Public Prosecutor of the State put appearance on behalf of State. Sh.Baljinder Singh Saini, Advocate filed fresh power of attorney on behalf of accused/applicant. Record of investigation received and perused.

Inspector Vikas Abrol, No. 1041/PAP, (investigating officer) now posted at State Cyber Crime, Phase-4, SAS Nagar, (Mohali) vide separate statement stated that the petitioner has joined the investigation on 18.02.2021 and the mobile phone used in the crime is recovered from the

petitioner, however, her custodial interrogation is required for further investigation of the present case

Heard.

The learned Addl. Public Prosecutor of the State contended that allegations against the accused/applicant is grave and serious in nature. He further argued that custodial interrogation of accused/applicant is required for further investigation and as such, accused/applicant is not entitled to anticipatory bail.

On the other hand, learned counsel for the accused/applicant has contended that the accused/applicant has been falsely implicated in the present false case by the complainant to extract money from her. From the bare perusal of the FIR no offence punishable under section 420/511 IPC read with Sec.66 (D) of Information Technology Act, 2000 is made out against the accused/applicant. He further argued that there is an inordinate and unexplained delay of 7 months in registration of the FIR. He further argued that in the complaint nothing has been alleged that the accused/applicant has earned any money or compelled any person to purchase any policy from her. He further argued that the person namely Ajaib Singh Bahra who is shown to be a resident of U.K. has never made any complaint regarding any alleged fraud or cheating by impersonation against the complainant. He further argued that from bare perusal of the FIR, no offence punishable under Section 420, 511 of IPC and 66 (D) of IT Act is made out against the accused/applicant. He also submitted that the accused/ applicant has already joined the investigation in terms of interim order and she is not required for

the purpose of custodial interrogation. The accused/ applicant is also ready to face the proceedings in accordance with law. He also submitted that no recovery is to be effected from her. He prayed for granting anticipatory bail to the accused/applicant.

After considering the rival contentions and after going through the record, this court is of the considered view that the instant bail application merits acceptance. From perusal of the bail application, it transpires that the present FIR has been registered on the application filed by complainant Harsimran Singh Sr. Manager Legal, Tata AIA Life Insurance Company under Sections 420, 511 of IPC and Section 66 (D) of Information Act, 2000 on the allegations that the accused/applicant make a fake e mail ID with an intention to cheat and fraud the customer of complainant company. The accused/applicant has already joined the investigation in pursuance of interim bail granted order dated 11.02.2021. The perusal of file shows that the mobile phone allegedly used by the accused/applicant has been produced by her. Though the prosecution has opposed the bail application on the ground that custodial interrogation of accused/applicant is required, but there is nothing on record to suggest that why accused/applicant is required for the purpose of custodial interrogation. Moreover, no useful purpose would be served by sending the accused/applicant behind bars at this stage when there are allegations and counter allegation levelled by complainant and accused/applicant against each other. The accused/applicant is a woman and the purpose of investigation would be served as the accused/applicant is under obligation to join the

investigation as and when so required in view of the conditions enshrined in Section 438(2) Cr.PC. Hence, it would suffice if the accused/applicant continues joining the investigation as and when called by the Investigating Officer and accordingly the order dated 11.02.2021 is made absolute with the terms and conditions as mentioned in the said order. The bail application is allowed accordingly.

However, any observation made here in above shall not be construed as opinion on merits of the case. Police record be returned. Bail application file be consigned to the record room.

Pronounced.
19.02.2021

Bhupinder Singh
Stenographer-II

(Devinder Kumar Gupta)
Addl. Sessions Judge.
S.A.S. Nagar, (Mohali).
(UID No.PB00520)