

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM-26779 of 2021 in/and
CRM-M-18328 of 2021
Date of Decision: 27.08.2021**

Baljinder Singh

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. J. S. Saini, Advocate for the petitioner.
Ms. Monika Jalota, DAG, Punjab.

AVNEESH JHINGAN, J (Oral):

The matter is taken up for hearing through video conference due to COVID-19 situation.

This petition under Section 438 Cr.P.C. was filed seeking anticipatory bail in FIR No. 41 dated 30.3.2021, under Section 14 of Protection of Children from Sexual Offences Act, 2012 and Sections 67A and 67B of the Information Technology Act, 2000, registered at Police Station Sadar Rupnagar.

The FIR was registered on the basis of Child Pornography Tipline C.Ds received from Ministry of Home Affairs, New Delhi. The matter was enquired into. CD was sent to the Incharge of Cyber Cell, Rupnagar. Details of Tipline Number, date and login on face book as also the mobile number used was traced. On the basis of evidence collected, the petitioner was nominated.

The petition was filed seeking pre-arrest bail. On 11.5.2021, the petitioner was granted interim bail by this court. He joined the investigation. As informed by learned counsel for the State on instructions, the petitioner was not co-operating. He was not producing the phone used by him in the alleged incident, rather handed over two latest phones being used by him.

On 26.7.2021, the petitioner took a stand that this phone was sold to a migrant labourer. Learned counsel for the petitioner on instructions stated that the petitioner is ready to provide the mobile if needed during investigation. One more opportunity was granted to the petitioner.

Learned counsel for the petitioner submits that the petitioner has deposited the required phone but its mother-board is damaged.

Learned counsel for the State submits that it is a case of mis-utilisation of the interim bail granted. The petitioner is doing his best to tamper with the evidence and a mobile phone in fully damaged condition has been given to the investigating agency.

Considering the conduct of the petitioner and the change of stances, on one hand he sold the mobile and on the other hand, he provided a damaged mobile, it is a case where custodial interrogation is required more so considering the gravity of the offence and the allegations against the petitioner.

The petition is dismissed.

CRM-26779 of 2021

Since the main petition has been decided, the prayer made in the application is rendered infructuous.

Disposed of as infructuous.

[AVNEESH JHINGAN]
JUDGE

27th August, 2021
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |