

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

Sr.No.207

CRM-M No.25924 of 2021

Date of Decision: 26.08.2021

Salim Mohammad

...Petitioner

Versus

State of Punjab

...Respondent

(Heard through Video-Conferencing)

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present: Mr. Mikhail Kad, Advocate,
for the petitioner.

Ms. Samina Dhir, Deputy Advocate General, Punjab
for the respondent-State.

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MEENAKSHI I. MEHTA, J.

Apprehending his arrest in the criminal case pertaining to the FIR bearing No.09 dated 01.03.2021 registered at Police Station Punjab State Cyber Crime, S.A.S. Nagar (Mohali), under Sections 67-A and 67-B of the Information Technology Act, 2000, the petitioner has preferred this petition for seeking the relief of anticipatory bail.

Bereft of unnecessary details, the allegations, as levelled against the petitioner, are that he had uploaded five video clips of pornography including one video clip of child pornography and one photograph on the social media (Facebook).

Status-report filed on behalf of the respondent-State, by way of the affidavit of Deputy Superintendent of Police, State Cyber Crime,

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B.O.I., SAS Nagar, is already available on the file and the same is taken on the record.

I have heard learned counsel for the petitioner as well as learned State counsel in the present petition and have also perused the file thoroughly.

Learned counsel for the petitioner contends that there is a delay of almost 9 months in lodging the FIR and the petitioner has no concern with the chat service of the 'Social Media Facebook' and he has been falsely implicated in this case and in these circumstances, he deserves the relief as prayed for in this petition.

Per contra, learned State counsel argues that the FIR has been registered after conducting a detailed inquiry in the matter and the verification, as got done from the Google Authorities also shows that the suspected email address is associated with the mobile phone number of the petitioner and in view of the gravity of the offence committed by the petitioner, this petition be dismissed.

As regards the contention qua the delay in lodging the FIR, the same can and shall be looked into and adjudicated upon by the trial Court at the appropriate stage after appreciating and evaluating the evidence that may be led on the record during the course of the trial. At the moment, the fact remains that there are specific allegations in the subject FIR that four video clips of pornography and one video clip of child pornography and one photograph had been uploaded on the social media and it has categorically been mentioned in the status-report that as

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per the information provided by the Google Authorities (USA), the mobile phone number of the petitioner was associated with the suspected *email* account and the chat service/IM Client Messenger of Facebook. The uploading of the pornographic contents on social media is an offence which eats into the vitals of the very moral fabric of the Society and such like offences are on the rise these days and the same can adversely affect the mind-set of the people at large specially the younger generation.

Keeping in view the above-discussed facts and circumstances as well as the gravity of the offence as alleged to have been committed by the petitioner, this Court is of the considered opinion that the petitioner does not deserve the relief of anticipatory bail. Resultantly, the petition in hand stands dismissed.

However, it is clarified that nothing contained here-in-before shall be construed to be an expression of the opinion of this Court on the merits of this case.

(MEENAKSHI I. MEHTA)
JUDGE

26.08.2021
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<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>No</i>