

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-31512-2021

DATE OF DECISION: SEPTEMBER 22, 2021

GURMEET SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. SAURABH ARORA, ADVOCATE FOR THE PETITIONER.
MR. RAMDEEP PARTAL SINGH, DAG, PUNJAB.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.0089 dated 12.6.2021, under Section 67-B of Information Technology Act, 2000, Police Station P.S. Verka, District Police Commissionerate, Amritsar. The petitioner is in custody since his arrest on 14.6.2021.

The above FIR was registered on the basis of an enquiry report and the relevant portion of same reads as under:-

“Subject: Enquiry report regarding Mobile No.9877773931, mentioned in letter No.3296-C.D.2 dated 20.3.2021 of National Centre for Missing & Exploited Children regarding Tip Line No.74052936. Sir, It is humbly submitted that enquiry regarding Mobile No. 9877773931 was sought by the National Centre for Missing & Exploited Children regarding the enclosed Tip Line as per letter No.1026-S.C.C. dated 16.3.2021, issued by the Assistant Inspector General of Police, State Cyber Crime Cell, Punjab, which has been conducted. It reveals from enquiry proceeding that record pertaining to

Pornography film, prepared at Tip Line No.74052936 & shared at Mobile No.9877773931, has been obtained, from which, it reveals that the said mobile number is registered in the name of one Gurmit Singh son of Balbir Singh, resident of Preet Nagar, Verka, Amritsar. Said person, by sharing the Pornography video on Social Media, has committed an offence punishable U/s. 67-B I.T. Act. As the accused is residing within jurisdiction of Police Station Verka, Amritsar and the nature of offence & occurrence is matching, hence detailed papers & Pornography movie belonging to said Tip Line are enclosed herewith and are being sent to you with a recommendation to register an F.I.R. against above noted persons & conduct further investigation. Appropriate order may be issued. Sd/- Incharge, Cyber Crime Cell, Amritsar.”

Learned counsel for the petitioner contends that as per the allegations, some obscene video clip was put on the social media by the petitioner and the FIR has been registered on the basis of recommendation sent by U.S. Government to the Government of India. He submits that no individual, much less any recipient of the video, has raised any objection. According to him, the investigation of the case is still pending and therefore, trial of the case is likely to consume considerable time. He prays that the petitioner be released on regular bail during the pendency of the trial.

On the other hand, learned counsel for the State assisted by ASI Love Kumar does not dispute the above factual aspect and further states that the investigation is still pending. According to him, it may take some more time to reach its conclusion as certain verifications are required from abroad.

Considering the above background and the fact that the

investigation is likely to consume considerable time, therefore, further detention of the petitioner behind the bars may not be necessary for any useful purpose who is presently confined in judicial custody after his arrest on 14.6.2021.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

The petition is allowed.

September 22, 2021
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No