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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18809-2022 (O&M)
Date of Decision:04.08.2022

Kuldeep Singh

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Harmanpreet Sehgal, Advocate for the petitioner.

Mr. J.P. Ratra, DAG, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C, pending trial in case FIR No.85 dated 18.06.2021 registered under Sections 67-A and 67-B Information and Technology Act, 2000 at Police Station Giddarbaha, District Sri Muktsar Sahib. The petitioner is in custody since his arrest on 30.07.2021.

The present case FIR has been registered on receiving the memorandum by the office of SSP, Sri Muktsar Sahib stating that Cyber Tip Line and Child Victim Identification Program is operated by National Center for Missing and Exploited Children, which is a private and non-profit organization to serve as a national clearing house and resource center for families, victims, private organizations, law enforcement and the public on missing and sexually exploited child issues NCMEC makes information submitted to the Cyber Tip Line and Child Victim Identification Program available to law enforcement and also uses this information to help identify

the trends and create child safety and prevention messages and seven tip lines received from Ministry of Home Affairs were attached with the letter, in which the name of the applicant-accused was mentioned and was asked to take comprehensive action on the matter. After receiving the letter, it was found that tip lines are related to child pornography and FIR by name was registered against the applicant-accused.

Learned counsel for the petitioner has argued that as per allegations some obscene videos were forwarded by the petitioner on the social media and not only the investigation of the case is complete, but prosecution has examined its two witnesses also. According to him, the petitioner is in custody for more than one year, therefore, he be released on bail.

Learned State counsel, on instructions from ASI Sarabjeet Singh, opposes the prayer and submits that in case, he is released on bail, he may tamper with the evidence. He has pointed out that the mobile phone of the petitioner was recovered and the same was used in the alleged commission of crime.

After hearing the learned counsel for the parties and considering the above background, particularly the custodial period of the petitioner, his further detention behind the bars may not be necessary for any useful purpose, as the trial is yet to commence and its conclusion would consume considerable time. Apart from it, the material witnesses are police officials and at present there does not seem to be any possibility of their being won over.

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 concerned.

The petition is allowed.

04.08.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes	No
Yes	No