

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

**CRM-M-23966 of 2022**

**Date of Decision: 30<sup>th</sup> May, 2022**

Vinod Kumar

... Petitioner

Versus

State of Punjab

... Respondents

**CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN**

Present : Mr. S. S. Sarwara, Advocate for the petitioner.  
Mr. Amit Mehta, Senior DAG, Punjab.

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**AVNEESH JHINGAN , J.(Oral)**

This is a petition seeking anticipatory bail in FIR No. 40 dated 18.9.2021, under Section 67-B of Information Technology Act, 2000 registered at Police Station State Cyber Crime, SAS Nagar, Mohali.

As per the allegations in the FIR, the petitioner forwarded a child pornography video.. Earlier notice under Section 41-A Cr.P.C. was issued, the petitioner joined the investigation and his mobile was recovered. The petitioner approached this court for anticipatory bail. The same was disposed of noting the fact that only notice under Section 41-A Cr.P.C. was issued. The respondents were directed to give three days clear notice in case the petitioner was to be arrested. Thereafter, notice dated 23.5.2022 was served, apprehending the arrest the present petition is filed.

Learned counsel for the petitioner submits that it is a case of false implication, no recovery is to be made.

Learned counsel for the State appearing on advance notice opposes the prayer for grant of anticipatory bail but is not in a position to dispute that no recovery is to be made from the petitioner.

Without commenting on the merits of the case, considering that no case for custodial interrogation is made out and the petitioner has no

criminal antecedents, the petitioner is granted anticipatory bail subject to his joining investigation within two weeks. In the event of his arrest, the petitioner shall be released on bail subject to his furnishing adequate bail bonds to the satisfaction of the Arresting Officer. He is directed to join the investigation as and when called for. He shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

The petition is allowed.

In case of failure of petitioner to join the investigation or there being any change in circumstances, the State would be at liberty to file an application for re-calling of this order.

**(AVNEESH JHINGAN)**  
**JUDGE**

**30<sup>th</sup> May, 2022**  
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|---------------------------|--------|
| Whether reasoned/speaking | Yes/No |
| Whether reportable        | Yes/No |