

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

CRM-M-26124-2022 (O&M)  
Date of Decision:- 8.8.2022

Vinay Kumar ... Petitioner

Versus

State of Punjab ... Respondent

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present:- Mr. N.S. Lucky, Advocate for  
Mr. Krishan Kanha, Advocate for the petitioner.

Mr. H.S. Multani, AAG, Punjab.

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**GURVINDER SINGH GILL, J.**

1. The petitioner seeks grant of anticipatory bail in a case registered against him vide FIR No. 114 dated 27.5.2022 under Section 67-B of the I.T. Act at Police Station Chheharta, District Police Commissionerate Amritsar.
2. The FIR was registered pursuant to receipt of a letter from the Assistant Inspector General of Police, State Cyber Crime Cell, Punjab SAS Nagar (Mohali). The National Center for Missing and Exploited Children (NCMEC) is an organization incorporated for the purpose of collecting, maintaining and sharing information in respect of missing and exploited children which is further passed on to law enforcement agencies in the shape of 'tiplines'. It is alleged that as many as 158 Tiplines (Information) were received pertaining to persons involved in child pornography. A specific information was to the effect that mobile phone No. 9988966705 had been used for child pornography. Upon collecting information in respect of the

said phone number, it was found that the SIM card in question had been issued to Vinay Kumar (petitioner). Another phone number i.e. 7889183013 belonging to Sukhamjit Singh was also found to have been used for child pornography.

3. The learned counsel for the petitioner has submitted that the petitioner is being sought to be involved in the present case solely on the premises that the SIM card in question had been issued in his name whereas in fact there is no evidence on record to show that the Instagram account allegedly used for the child pornography was created or was being used by the petitioner. It has been submitted that that it is not just with the help of mobile phone instrument that such an account can be operated and that such an account can be operated even without the mobile phone. It has been submitted that in the absence of clinching evidence to connect the petitioner with the alleged child pornography videos/photographs, the petitioner cannot be held liable in any manner and as such, deserves the concession of anticipatory bail.
4. Opposing the petition, the learned State counsel has submitted that in the present case there is definite evidence to the effect that the mobile phone No. 9988966705 had been issued for child pornography and from the information collected from the service provider, it had been established that the said SIM card was issued to the petitioner, which would *prima facie* point towards the complicity of the petitioner. The learned State counsel has submitted that in these circumstances, the custodial interrogation of the petitioner would be required so as to elicit further information as regards the source of the child pornography and also as to who others are involved in

the same. It has further been submitted that the child pornography is one of the serious offences and cannot be taken lightly and in order to unearth finer details and to check further sharing of such pornography videos/pictures, the custodial interrogation of the petitioner would be necessary.

5. I have considered aforesaid submissions.
6. Having regard to the submissions addressed before this Court, this Court is of the opinion that the evidence collected by the police does point towards the involvement of the petitioner. Needless to mention that the offence in question is not just an offence against a child but is a serious offence against the society. In these circumstances, custodial interrogation of the petitioner would be required, particularly in order to find out the involvement of all others associated and involved in the offence for the preparation and sharing of child pornographic videos/pictures. The petition is sans merit and is hereby dismissed.

**8.8.2022**

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**(Gurvinder Singh Gill)**  
**Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No