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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-5189-2024
Date of decision: 07.03.2024

Paramjit Singh
...Petitioner
Versus
State of Punjab
...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Pankaj Garg, Advocate for the petitioner.
Mr. J.S. Dhaliwal, AAG, Punjab.

KARAMJIT SINGH, J. (ORAL)

1. This petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of regular bail in case having FIR No.177 dated 07.12.2023, under Section 67-B, I.T. Act, Police Station Goraya, Jalandhar, District Jalandhar.
2. The allegations in nutshell are that the petitioner shared video clip relating to child pornography on Instagram by using his mobile phone.
3. The counsel for the petitioner while referring to provisions of Section 67-B of Information Technology Act (in short the Act) submits that no video clip depicting children in obscene or indecent or sexually explicit manner was ever transmitted or shared by the petitioner with anyone else and thus, the alleged act does not come under the provisions of Section 67-

B of the said Act. Counsel for the petitioner further submits that the petitioner is innocent and is ready to join the investigation with the police.

4. Short reply by way of affidavit of Sarwan Jit Singh, Deputy Superintendent of Police, Sub Division Phillaur, District Jalandhar filed on behalf of the State is taken on record.

5. The State counsel submits that there are serious allegations against the petitioner that he circulated child pornography on social media and the police received information with regard to same and consequently, FIR was registered in this case and that custodial interrogation of petitioner is required for proper investigation of the case, as the petitioner has committed serious offence punishable under Section 67-B of the Act.

6. I have considered the submissions made by counsel for the parties.

7. As per the short reply submitted on behalf of the State, Jalandhar police received letter bearing number 13747-M dated 05.09.2022 from the Ministry of Home Affairs, Government of India, New Delhi regarding the child pornography circulated on social media and a video was received by the police through Tipline folder number 116320685 for inquiring the matter. The matter was enquired into by Deputy Superintendent of Police (Crime against Women and Children), Jalandhar (Rural) and during said enquiry, it was revealed that Tipline received from concerned office, mobile number 81460-05758 was found to be registered in the name of the petitioner and with the help of said mobile number, the data from facebook was ascertained which also linked with the same mobile number. Petitioner was associated during the said enquiry and it was also

found that alleged video which was received vide Tipline folder 116320685 from the concerned Authority was shared from the mobile phone of the petitioner. The FIR in this case was registered after detailed enquiry was conducted in the matter. The allegations against the petitioner are of serious in nature which require proper investigation.

8. In light of the above, this Court is of the view that no case is made out to grant anticipatory bail to the petitioner, as his custodial interrogation is necessary to go to root of the case.

9. Consequently, the present petition is dismissed. However, any observation made herein above is not to be construed as expression of opinion on merits of the case.

07.03.2024
Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-	Yes/No
Whether reportable:-	Yes/No