



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-32303-2024
Date of Decision : 10.09.2024

RACHHPAL SINGHPetitioner(s)
VERSUS
STATE OF PUNJABRespondent(s)

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Raman Kumar, Advocate,
for the petitioner(s).

Mr. Sahil R. Bakshi, AAG, Punjab.

KULDEEP TIWARI, J.(Oral)

1. On 10.07.2024, this Court had passed the hereinafter
extracted order, upon the instant petition:-

- “1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner seeks the concession of anticipatory bail, in case FIR No.37 dated 27.03.2022, under Section 67-B of the Information Technology Act, 2000, registered at P.S. Makhu, District Ferozepur.
2. The learned counsel for the petitioner submits that, although mobile of the petitioner is alleged to have been used for uploading child pornography, however, the petitioner is not a technocrat and there is a possibility that his sim card may have been misused for the purpose of creating a Facebook account, wherefrom, the objectionable content was uploaded.
3. Notice of motion for 20.08.2024.
4. Mr. Pardeep Bajaj, D.A.G., Punjab, accepts notice on behalf of respondent-State of Punjab.
5. In the meantime, the petitioner is directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C.”

2. Upon the petitioner not joining investigation in compliance to the order (*supra*), vide order dated 20.08.2024, he was directed to re-join investigation.

3. Today, the learned State counsel has, on instructions imparted to him by the police official concerned, stated that pursuant to the making of the hereinabove extracted order, the petitioner(s) had

joined investigation and he is no longer required for custodial interrogation.

4. In view of the above, the hereinabove extracted interim order dated 10.07.2024, is hereby made **absolute**, subject to the hereinafter extracted conditions:-

- “(i) the petitioner(s) shall not commit an offence similar to the present offence;
- (ii) the petitioner(s) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;
- (iii) the petitioner(s) shall make himself/herself available for interrogation by a police officer as and when required.”

5. This order should not be treated as “blanket” order. It will not be read granting petitioner(s) indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

6. Needless to say that anything observed hereinabove shall not be construed to be an opinion on the merits of the case.

7. All pending application(s) stand **disposed** of accordingly.

September 10, 2024

dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. :	Yes/No
Whether Reportable. :	Yes/No