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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M -846-2025 (O&M)
Date of decision: 03.11.2025

Vijay Pal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Balwinder Singh Sudan, Advocate
for the petitioner.

Mr. Neeraj Madaan, Sr. DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. Petitioner Vijay Pal, aged 21 years, has filed instant petition for seeking regular bail in case FIR No. 4 dated 22.09.2024 registered under Section 67-B of Information Technology Act, 2000 (Sections 66-E, 67, 67-A of Information Technology Act, 2000 and Sections 14(1), 15(1), 15(3) of Protection of Children from Sexual Offences Act, 2012 added later on) at Police Station Cyber Crime, Fazilka, District Fazilka.
2. As per FIR, one special informant informed the police team that petitioner – Vijay Pal, earns money by sale and purchase of child pornography links, while sitting at his home. Further informed that if his house is raided now, petitioner can be apprehended while doing sale and purchase of the child pornography to the said links.

On the basis of said information, police team raided the

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disclosed place and there, petitioner was apprehended. From the mobile phone recovered from the possession of the petitioner, contents in it were examined and from the audio recordings between the petitioner and other persons, who usually sent the links were recovered. Investigating Agency found that weblinks in pen-drive containing data mobile phone of accused, could not be opened, as those had already expired, but obscene photographs involving children were visible in the same data.

3. Ld. CJM had dismissed the bail petition by noticing that the investigation at that time (03.10.2024) was at its initial stage, however, it was also dismissed by the next Court i.e. Court of Ld. Addl. Sessions Judge.

4. Learned counsel for the petitioner argues that the petitioner is inside jail since 22.09.2024 and prosecution has proved the charges, primarily, on the basis of the electoral records, and the contents recorded therein apart establishing the authenticity of the data material in it.

Further argues that all the alleged offences are maximum punishable for a period of 5 years along with fine amount upto Rs. 10 lakhs, therefore, petitioner being inside jail for the last one year, cannot be forced to remain inside jail for indefinite period.

5. It is also argued that the petitioner despite suffered incarceration period more than one year, till date out of total 17 prosecution witnesses, 02 have been examined, the trial is also going on at snails pace. Learned counsel for the petitioner also points out that one of the co-accused, namely Parvesh Kumar, who was arrested later, investigation qua him is underway and he has already been released on interim bail vide order dated



15.09.2025 passed by this Court in CRM-M-50407-2025.

6. On the other hand, learned State counsel while filing status report by way of affidavit of Balkar Singh, PPS, Deputy Superintendent of Police (D), Fazilka, on instructions from Inspector Jyoti, argues that no other case is registered against the petitioner, however, keeping in view the gravity of the offence, the petitioner does not deserve the concession asked for because his release would send a wrong message to the society.

7. This Court has heard the submissions advanced by learned counsel for the parties and have gone through the record with their able assistance.

8. Undoubtedly the maximum sentence for which the petitioner can be imprisoned is of five years and 01 year and 01 month period has already been suffered after his arrest on 22.09.2024. Out of total 17 prosecution witnesses, only two have been examined. Moreover, the trial is going on very slow pace, therefore, petitioner cannot be forced to remain inside jail for indefinite period. Accordingly, this Court deems it appropriate to extend the concession of regular bail to the petitioner.

9. Consequently, prayer made in the present petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other other.

10. However, it is clarified that if the material witnesses i.e. victim child has not been examined till date, the trial Court should ensure that no



threat or any kind of inducement or pressure, influence etc. is being caused to the prosecution witnesses. Therefore, the statement of victim would be recorded by ensuring all the aforementioned aspect that such statement is voluntarily one.

11. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

12. Any of the discussion done and recorded here above, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible, in accordance with law.

13. Petition stands disposed of.
Misc. application(s), if any, also stand disposed of.

03.11.2025
Satyawar

(SANJAY VASHISTH)
JUDGE

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