



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

103

CRM-M-4392-2025(O&M)
Date of Decision: 27.01.2025

LOVNISH SINGH GAHIR

....Petitioner

VERSUS

STATE OF PUNJAB

....Respondent

CORAM : HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Naveen Sharma, Advocate for the petitioner.

Ms. Himani Arora, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. The petitioner is seeking pre-arrest bail in case arising out of FIR No. 3 dated 07.01.2025 registered under Section 67-B of Information Technology Act, 2000 and Section 15 of Protection of Children from Sexual Offences Act, 2012 at Police Station Cyber Crime, Police Commissionerate, Ludhiana, District Ludhiana on the basis of a secret information to the effect that the present petitioner was indulged in sharing child pornography content from his mobile. The said phone was checked and no pornography content was recovered. It was taken into possession and had been sent to forensic examination. A case under the aforementioned Section has been registered. Investigation is underway.

2. It is submitted by learned counsel for the petitioner that he has been falsely implicated in this case. The FSL report has been received, as per which, child pornographic content allegedly recovered from his phone but had not been shared with anybody else. The said offence has not been at all attracted against the petitioner. He is ready to join the investigation. His



custodial interrogation is not required. No recovery is to be effected from him. It is therefore urged that the petition deserves to be allowed.

3. Learned State counsel who has advance notice of the petition and on instructions received from Inspector Jitender Singh, SHO Cyber Cell Ludhiana has placed on record a copy of report sent by CI&TSU Lab, C.P. Ludhiana and has further submitted that though pornographic content has been found in the cellphone of the petitioner but it has not been shared with anybody else.

4. Since it is a debatable issue as to whether there was any publication or transmitting of material depicting the child indulging in sexually explicit act in electronic form, therefore, I am of the considered opinion that it is a fit case for granting pre-arrest bail.

5. Accordingly, the petition is allowed and the petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within ten days or as and when subsequently required thereafter. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on interim bail on furnishing personal/surety bonds to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 482 (2) of Bharatiya Nagarik Suraksha Sanhita (for short BNSS), 2023.

6. Pending application, if any, also stands disposed of.

(MANISHA BATRA)
JUDGE

27.01.2025

Deepak Patwal

1. *Whether speaking/reasoned*
2. *Whether reportable*

Yes/No
Yes/No