



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

106

CRM-M-6135-2026 (O&amp;M)

Date of decision : 04.02.2026

Ishika Bhardwaj

..... Petitioner

VERSUS

State of Haryana

..... Respondent

**CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH**

Present : Mr. Udit Choudhary, Advocate for the petitioner.

Mr. Parveen Kumar Aggarwal, Addl. A.G. Haryana.

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**SURYA PARTAP SINGH, J.**

This is first petition for pre-arrest bail filed by the petitioner with regard to FIR No.106 dated 18.12.2025 under Section 351(2) of Bharatiya Nyaya Sanhita, 2023 and Section 67 of Information Technology Act, 2000. The abovesaid FIR came into being in Women Police Station NIT Faridabad, District Faridabad at the instance of 'Harshita', hereinafter being referred to as 'complainant' only. It was reported by the above-named complainant her sister-in-law, namely Ishika, was jealous of her and used to pick-up quarrel with her on a small pretexts. According to complainant, during the period 16.12.2025 to 18.12.2025, her sister-in-law Ishika edited her photo and made it obscene and shared with complainant's friend, Jyoti. It was also alleged by the complainant that her sister-in-law was also talking ill about her with complainant's friend, Jyoti Bhatia. As per complainant, her



sister-in-law had also conveyed to complainant's friend, Jyoti Bhatia, that she was having other obscene photos of complainant, and that she would circulate the same on social media.

2. It is the case of the prosecution that in view of abovementioned information, formal FIR of this case was lodged and the investigation taken up.

3. **Notice of motion.**

4. Mr. Parveen Kumar Aggarwal, Addl. A.G. Haryana appears on behalf of respondent-State. Hence service of notice upon the State is hereby dispensed with.

5. Heard.

6. It has been contended on behalf of petitioner that the FIR in this case has been lodged for the commission of offence punishable under Section 351(2) of BNS and Section 67 of IT Act. According to learned counsel for the petitioner, both the offences are bailable, but due to ill advice, an application for anticipatory bail was moved by the petitioner in the Court of Sessions and the learned Additional Sessions Judge Faridabad without looking into the fact that the offences are bailable, dismissed the application for anticipatory bail, by holding that custodial interrogation of the petitioner is required.

7. As per learned counsel for the petitioner, the abovementioned observations made by learned Additional Sessions Judge Faridabad are bound to generate an impression before the Court of Judicial Magistrate,



where the case has to be tried, that the offences are non-bailable. Hence the present petition.

8. The learned State Counsel has controverted the abovementioned arguments. According to learned State Counsel, the allegations against the petitioner are for the commission of serious nature of offence, and therefore, a right view has been taken by the learned Additional Sessions Judge Faridabad. As per learned State Counsel the present petition for anticipatory bail filed by the petitioner, is devoid of merit and deserves dismissal.

9. The record has been perused carefully.

10. Before advertizing to the merits of the case it shall be relevant to look into the relevant provision of statute. Section 67 of IT Act reads as under:-

*“Whoever publishes or transmits or causes to be published or transmitted in the electronic form, any material which is lascivious or appeals to the prurient interest or if its effect is such as to tend to deprave and corrupt persons who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied in it, shall be punished on first conviction with imprisonment of either description for a term which may extend to three years and with fine which may extend to five lakh rupees and in the event of second or subsequent conviction with imprisonment of either description for a term which may extend to five years and also with fine which may extend to ten lakh rupees.”*

11. Section 77B of IT Act further provides that:-



*“Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), the offence punishable with imprisonment of three years and above shall be cognizable and the offence punishable with imprisonment of three years shall be bailable.”*

12. A bare perusal of abovementioned statutory provisions shows that the petitioner has been prosecuted for the commission of offence, under Section 67 of IT Act and the maximum punishment which can be awarded to the petitioner is up to 03 years, and therefore, in view of Section 77B of IT Act, it is bailable in nature.

13. Similar situation has been dealt with by the High Court of Kerala in the case of ‘Prabula K. V/s State of Kerala’ 2022 SCC OnLine Ker 8111, wherein also it has been observed that the abovementioned is bailable in nature.

14. In the present case, in addition to offence under Section 67 of IT Act, the petitioner is also being prosecuted for the commission of offence punishable under Section 351(2) of BNS. A perusal of Schedule of BNS shows that the abovementioned offence is bailable. Thus, it is apparent that in the present case, the petitioner is being prosecuted for a bailable offence, and therefore, she has got a right to seek bail as and when she is arrested, or at the time when she is produced before the Court.

15. In view of above, the present petition is hereby ***disposed of***, with an observations that the offence punishable under Section 351(2) of BNS and Section 67 of IT Act, is bailable offence and the observations recorded by the learned Additional Sessions Judge Faridabad with regard to



custodial interrogation of the petitioner, shall have no bearing on the mind of learned Court of Judicial Magistrate, as and when the petitioner is produced before the same. Hence the learned Court of Judicial Magistrate shall be at liberty to exercise its discretion, without being influenced by the observations recorded by learned Court of Sessions in the order dated 09.01.2026.

16. Pending miscellaneous application(s), if any, also stand(s) disposed of, accordingly.

(SURYA PARTAP SINGH)  
JUDGE

04.02.2026  
Gaurav Thakur

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|-----------------------------|--------|
| Whether speaking / reasoned | Yes/No |
| Whether Reportable          | Yes/No |