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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-12637-2026

Puneet Goyal

....Petitioner

versus

State of Punjab

....Respondent

Date of Decision: March 17, 2026**Date of Uploading: March 17, 2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL****Present:** Mr. Yogesh Goel, Advocate for the petitioner.

Mr. Adhiraj Singh, AAG, Punjab.

SUMEET GOEL, J. (Oral)

Present petition has been filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as 'the BNSS')
for grant of pre-arrest/anticipatory bail to the petitioner, in case bearing FIR
No.0003 dated 04.02.2026, registered for the offences punishable under
Section 67-B of the Information Technology Act, 2000, at Police Station
Cyber Crime, District Ludhiana.

2. The gravamen of the instant FIR reflects that it has been
registered on the basis of secret information received from the State Cyber
Cell, Mohali against the present applicant, alleging that he, along with co-
accused Shamsher Singh, used to watch, store and share Child Sexual
Exploitation and Abuse Material (CSEAM) on their mobile phones.
Pursuant to notice issued under Section 35(3) of the BNSS, the petitioner
(herein) appeared before the investigating agency and produced his two
mobile phones. Similarly, his co-accused Shamsher Singh also appeared and

produced his mobile phone. The said mobile phones were thereafter sent to the concerned laboratory for examination and analysis. Upon analysis, it was reported that the data found in the devices related to Child Sexual Exploitation and Abuse Material (CSEAM). Upon these set of allegations, the instant FIR came to be registered against the accused persons and during investigation co-accused Shamsheer Singh was arrested on 09.02.2026.

3. Learned counsel for the petitioner has iterated that a bare perusal of the FIR itself shows that allegations leveled against the petitioner are concocted, improbable and devoid of any merit. Learned counsel has further iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel for the petitioner has argued that the petitioner has neither downloaded, created, published nor circulated any obscene material or video with the intention of transmitting or circulating the same on any social media platform. It is contended that there is no allegation in the FIR that the petitioner has intentionally downloaded the material and circulated in public view and, hence, no offence under Section 67B of the Information Technology Act, 2000 is made out. Learned counsel further submits that there is no allegation against the petitioner that he had created, transmitted or shared the alleged material with any person. It is contended that the petitioner was added to an unknown WhatsApp group without his consent and the alleged material was received in that group. It is further submitted that the petitioner may have inadvertently opened the said material and, due to lack of knowledge, the same could not be deleted from the device. However, there was never any intention on the part of the petitioner to store or circulate the alleged material or to cause harm to any person. It is also argued that the present case has not been registered at the instance of any aggrieved person or victim whose alleged material was

found in the mobile phone of the petitioner. Moreover, the petitioner was not the administrator of the said WhatsApp group and had no control over the content being circulated therein.

3.1. Learned counsel asserts that the custodial interrogation should not be used as a punitive measure and is justified only when absolutely necessary for the recovery of material evidence. Learned counsel has argued that nothing is to be recovered from the petitioner. Furthermore, the petitioner is ready to join the investigation and hence no useful purpose would be served by sending him behind the bars. On the aforesaid submissions, the grant of anticipatory bail is entreated for.

4. *Per contra*, learned State counsel has opposed the grant of anticipatory bail to the petitioner by arguing that the offence committed by the petitioner is serious in nature. It is contended that during the course of investigation, the mobile phones produced by the petitioner were sent for forensic examination and, as per the report of the concerned laboratory, data relating to Child Sexual Exploitation and Abuse Material (CSEAM) was found stored in the devices. Learned State counsel submits that the possession and storage of such material itself attracts the provisions of Section 67B of the Information Technology Act, 2000. The co-accused of the petitioner has already been arrested. Given the severity of the offence, there exists a substantial likelihood that the petitioner may abscond or tamper with the evidence, if he is enlarged on bail. On the strength of these submissions, dismissal of the petition in hand is entreated for.

5. I have heard the learned counsel for the rival parties and have gone through the available record of the case.

6. As per the case put forth by the prosecution, the allegations against the petitioner pertain to possession and storage of Child Sexual

Exploitation and Abuse Material (CSEAM), which is a serious offence. As per the case of prosecution, the mobile phones produced by the petitioner and his co-accused were sent for forensic examination and the analysis report reflects that data relating to Child Sexual Exploitation and Abuse Material was found stored in the devices. Moreover, the argument raised by learned counsel for the petitioner that the material was received inadvertently in a WhatsApp group and that the petitioner had no intention to store the does not merit acceptance, at this stage.

No cause *nay* plausible cause has been shown, at this stage, from which it can be deciphered that the petitioner has been falsely implicated into the present FIR.

7. It is befitting to mention here that while considering a plea for grant of anticipatory bail, the Court has to equilibrate between safeguarding individual rights and protecting societal interests. The Court ought to reckon with the magnitude and nature of the offence; the role attributed to the accused; the need for fair and free investigation as also the deeper and wide impact of such alleged iniquities on the society. It is imperative that every person in the Society can expect an atmosphere free from foreboding & fear of any transgression. At this stage, there is no material on record to hold that *prima facie* case is not made out against the petitioner. The material which has come on record and preliminary investigation, appear to be established a reasonable basis for the accusations. Thus, it is not appropriate to grant anticipatory bail to the petitioner, as it would necessarily cause impediment in effective investigation. In *State v. Anil Sharma* [*State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039*], the Supreme Court held as under : (SCC p. 189, para 6)

“6. We find force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well-ensconced with a favourable order under Section 438 of the Code. In a case like this, effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.”

8. In view of the seriousness of the allegations, this Court finds no compelling ground to extend the benefit of discretionary relief to the petitioner. Moreover, custodial interrogation of the petitioner is necessary for an effective investigation & to unravel the truth. The petition is, thus, devoid of merits and is hereby **dismissed**.

9. Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.

10. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

March 17, 2026

Naveen

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No