



CRM-M-15035 of 2026

-1-

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

389

CRM-M-15035 of 2026
Date of Decision: 06.04.2026

Navi Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Ketan Chopra, Advocate
for the petitioner.

Mr. Aadeshpal Singh Sidhu, AAG, Punjab.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the present petition filed under Section 482 of the BNSS, 2023 is for grant of anticipatory bail to the petitioner in case FIR No.12 dated 09.02.2026 registered under Sections 67-B of IT Act and Section 15 of POCSO Act, at Police Station Cyber Crime, District Ludhiana City.
2. Brief facts of the present case are that the petitioner was found having contents of child pornography in his mobile phone. Hence, the present FIR.
3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. He argued that the alleged raid was conducted on 24.12.2024 but the FIR in question was registered on 09.02.2026 i.e. after an unexplained delay of more than 01

**CRM-M-15035 of 2026****-2-**

year, casting serious doubt on the prosecution story. He further argued that even as per prosecution, when the police party checked the mobile phone of the petitioner on 24.12.2024, no material constituting a cognizable offence was found and despite that, the mobile phones were taken into possession, which again creates doubt on the veracity of the prosecution version. Moreover, the petitioner has clean antecedents as he is not involved in any other case. Nothing is to be recovered from the petitioner. Learned counsel has further submitted that the petitioner is ready and willing to join the investigation as and when called upon to do so by the investigating agency.

4. After registration of the FIR, investigation has been initiated and is under way. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail which has been dismissed by the Court of learned Additional Sessions Judge, Ludhiana, vide order dated 09.03.2026.

5. On the other hand, learned State counsel has filed the status report in the matter, which is taken on record and while referring to the same, he has opposed the prayer for grant of anticipatory bail on the ground that the allegations levelled against the petitioner are serious in nature. He argued that the mobile phones were found from the house of the petitioner and when the same were sent to CI&TSU Lab for examination, child pornography content was found in the same and as such, his custodial interrogation is required for fair and proper investigation in the matter, to know the modus operandi of the crime, and to know as to how he manages to have such content in his phone and to know as to whom such objectionable content has been shared. Hence, he prays for dismissal of the



petition.

6. Heard.

7. In the present case, the allegations levelled against the petitioner are grave and specific in nature, and the status report indicates his active participation in the commission of the offence. The mobile phones were found in the house of the petitioner showing active involvement in the crime and custodial interrogation of the petitioner appears necessary for a fair and effective investigation, to know the modus operandi of the crime, and to know as to how he manages to have such content in his phone and to know as to whom such objectionable content has been shared. This Court is sanguine of the fact that while considering the petition for anticipatory bail, it is required to consider the overall nature of offence and accusation against the accused, the manner of occurrence, the gravity of offence and the potential impact of granting pre-arrest protection, at this stage. Granting anticipatory bail with such allegations, at this preliminary stage, would not be justified as it may affect the course of fair investigation and undermine the seriousness of the alleged act. Considering the gravity of the allegations, the custodial interrogation of the petitioner is necessary for effective investigation in the matter.

8. 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 interest(s). 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 wider impact of such alleged iniquities on the society. It would be apposite



CRM-M-15035 of 2026

-4-

to refer herein judgment of the Hon'ble Supreme Court in '*State Vs. Anil Sharma*', (1997) 7 SCC 187, wherein it has been held as under:

"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 information 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."

9. Accordingly, this Court finds no merit in the present petition in the factual matrix of the case in hand. Thus, the present petition being devoid of merits is hereby dismissed.

10. It is made clear that nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.

(RUPINDERJIT CHAHAL)
JUDGE

06.04.2026

D.Bansal

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No