



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

CRM-M-24092-2026
Date of decision: 30.04.2026

NISHCHAY MAHAJAN

...PETITIONER

V/S

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Mr. Rishab Bhandari, Advocate;
Mr. Mehtab Singh, Advocate and
Mr. Harnoor Singh, Advocate
for the petitioner.

Mr. Anup Singh, AAG, Punjab.

SUBHAS MEHLA, J. (ORAL)

1. Through the instant petition filed under Section 482 Bharatiya
Nagarik Suraksha Sanhita, 2023, prayer is for grant of anticipatory bail to the
petitioners in case bearing FIR No.17 dated 26.03.2026 registered under
Sections 67-B of the Information Technology Act, 2000 (for short 'IT Act') at
Punjab State Cyber Crime, SAS Nagar, Mohali.

2. Allegations against the present petitioner are that he as the
user/operator of a Google Drive account, wherein Child Sexual Exploitative
and Abuse Material (CSEAM) was uploaded and stored. During preliminary
inquiry, around 150 videos containing such illegal content were found linked
to the account of the present petitioner and associated recovery mobile number
was registered in the name of his mother, attracting a *prima facie* offence
under Section 67-B of the IT Act. Hence, the present FIR was registered.



3. Learned counsel for the petitioner prays for discretionary relief of anticipatory bail to the petitioner on the following grounds :

- i. Maximum punishment provided under Section 67-B of IT Act is upto 05 years.
- ii. Co-accused, namely, Sarita i.e. mother of petitioner, who is registered owner of the SIM in question, has already been granted the concession of interim anticipatory bail by this Court vide order dated 16.04.2026 passed in **CRM-M No.20619 of 2026** (Annexure P-2).
- iii. Petitioner is ready to join the investigation and co-operate with the investigating agency by handing over his mobile phone and other device, if any, required by the investigating agency.
- iv. Petitioner is a 22 years old student, having clean and clear antecedents and is not involved in any other case.

4. Learned State counsel appeared on advance notice and submitted the following facts :

- i. Investigation is going on and co-accused has not joined the investigation.
- ii. For further investigation, the investigating agency requires the device/mobile phone of the petitioner and
- iii. Fairly admitted that petitioner has not been nominated as accused in the present FIR.

5. Heard.



6. Keeping in view the facts and circumstances of the case and contentions of learned counsel for the parties, this Court finds merit in the present petition on the following grounds :

- i. The allegations against the petitioner are regarding downloading the objectionable material in his google drive.
- ii. Co-accused, namely, Sarita has already been granted the concession of interim anticipatory bail by this Court vide order dated 16.04.2026 passed in **CRM-M No.20619 of 2026** (Annexure P-2).
- iii. Petitioner is ready to join the investigation and co-operate with the investigating agency by handing over his mobile phone and other device, if any, required by the investigating agency and
- iv. He is having clean and clear antecedents and is not involved in any other criminal activities.

7. Accordingly, the present petition is allowed and the petitioner is directed to join the investigation as and when called upon to do so. In the event of his arrest, the petitioner shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of investigating/arresting officer and shall also abide by the conditions as envisaged under Section 482(2) of the BNSS (*erstwhile Section 438(2) Cr.P.C.*).

8. Nothing observed hereinabove shall be construed to be expression of an opinion by this Court on merits of the case.

April 30, 2026
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(SUBHAS MEHLA)
JUDGE

- (i) Whether speaking/reasoned
- (ii) Whether reportable

Yes/No
Yes/No