

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:034992



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CRM-M-60793-2025 (O&M)
Date of decision:07.03.2026

Jagbeer Singh @ Jagbir Singh @ Kallu

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Vishal Munjal, Advocate and
Ms. Bindu Bala, Advocate for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

...

Manisha Batra, J. (Oral).

1. The instant petition has been filed by the petitioner seeking benefit of regular bail in case arising out of FIR No.91, dated 31.05.2025, registered under Sections 15 and 17 of the Protection of Children from Sexual Offences Act, 2012 (for short 'the POCSO Act'), Section 67-B of the Information Technology Act, 2000 and Section 351 of the BNS, at Police Station Division No.2, Pathankot.

2. The aforementioned FIR was registered on the basis of statement recorded by complainant – Kashmira Singh, alleging that the victim 'M' (name withheld), who is his 08 years old son, was remaining unusually quiet from the past about 02 months and on probing, he disclosed

to the complainant that the present petitioner, who is residing in his neighbourhood, had taken his son and one 'H' (name withheld), who is also a minor, aged 12 years to a unknown place and had shown a vulgar video from his mobile phone to them and had asked and forced them to do the same acts as shown in that video by extending beatings and threats to kill them and he had also made obscene videos of his son and that of 'H'. He made prayer for taking action against the petitioner.

3. After registration of the FIR, investigation proceedings were initiated. The petitioner was arrested on 01.06.2025. On interrogation, he suffered disclosure statement admitting his involvement in the crime and about using his cell phone for making and sharing obscene videos. He also got the said cell phone recovered. Investigation now stands completed and he is facing trial for commission of the offences punishable under Sections 15 and 17 of the POCSO Act, Section 67-B of the Information Technology Act and Section 351 of the BNS Act.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The medical examination of the victim was conducted and no external injury had been found on his person. He is in custody since long. The trial will take considerable time to conclude. No useful purpose would be served by detaining him in custody anymore. He has clean antecedents. It is, therefore, argued that the petitioner deserves to be extended the benefit of bail.

5. Status report and custody certificate have been filed. Learned State counsel has argued that keeping in view the gravity of the allegations as levelled against the petitioner, he does not deserve to be extended the

benefit of bail.

6. This Court has heard the rival submissions made by learned counsel for the parties.

7. The petitioner is alleged to have showed to the victims material in electronic form downloaded in his cell phone depicting children in obscene, indecent or sexually explicit manner and is further alleged to have stored pornographic material involving children. He is also alleged to have abetted the commission of offence punishable under Section 15 of the POCSO Act. As per the further allegations, he had extended threats to the son of the complainant and another minor victim and by doing so, had compelled them to do indecent acts as depicted in the videos shown to them. The mobile phone of the petitioner had been taken into custody. There is nothing on record at this stage to show that any objectionable obscene or indecent material has been recovered from the same. Though, the allegations *prima facie* show a case for commission of the aforementioned offences against him. However, he has been in custody since 01.06.2025. The material witnesses have already been examined and as such, there are no chances of his intimidating them. The antecedents of the petitioner are clean. His continued detention is not going to serve any fruitful purpose. Pre-trial incarceration should not be a replica of post conviction sentencing.

8. Taking into consideration the above discussed facts, this Court is of the considered opinion that the petitioner has made out a case for release on bail. Accordingly, the petition is allowed and the petitioner is ordered to be admitted to regular bail, subject to his furnishing personal as well as surety bonds to the satisfaction of the trial Court/Chief Judicial

Magistrate/Duty Magistrate concerned.

9. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and shall not influence the outcome of the trial.
10. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

07.03.2026

harjeet

(MANISHA BATRA)
JUDGE

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