

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-29112-2022
Date of decision : 27.09.2022

Shiva

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Umesh Aggarwal, Advocate
for the petitioner.

Mr.Tarun Aggarwal, Sr.DAG, Punjab.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR no.74 dated 14.06.2022 registered under Section 67-B of Information Technology Act, 2000 at Police Station 'E' Division, Amritsar.

On 11.07.2022, a coordinate Bench of this Court was pleased to pass the following order:-

“The petitioner has approached this Court under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in case FIR No.74 dated 14.06.2022 under Section 67-B of the Information & Technology Act, 2000, registered at Police Station 'E' Division Amritsar.

Learned counsel appearing on behalf of the petitioner contends that the allegations levelled against the petitioner are misconceived and false. Even though the petitioner disputes having forwarded any such material, the allegations levelled against the petitioner in the FIR are that some pornographic material was uploaded by him, however, the said allegation is incorrect inasmuch as the case of the prosecution does not involve uploading

of the pornographic material by the petitioner and would at best be a case of forwarding/further transmission of some objectionable videos. He further contends that the ingredients of Section 67 of the Information & Technology Act would also not be attracted inasmuch as the contents of the video do not feature any child in the pornographic material.

Notice of motion.

Ms. Amarjit Kaur Khurana, D.A.G., Punjab, who is present in the Court accepts notice on behalf of the respondent-State. She, however, is not in a position to controvert the aforesaid fact and prays for time to address arguments.

To come up for further consideration on 27.09.2022.

In the meanwhile, the petitioner is directed to join investigation as and when so required by the Investigating Agency. In the event of petitioner joining investigation, he shall be admitted to interim bail by the arresting officer/investigating officer on furnishing of bail bonds by him to the satisfaction of the arresting officer/investigating officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.

July 11, 2022

**(VINOD S. BHARDWAJ)
JUDGE”**

Learned counsel for the petitioner has submitted that in pursuance of the said order, the petitioner has joined the investigation.

Learned State counsel, on instructions from ASI Rajesh Kumar, has submitted that the petitioner has joined investigation and is not required for further investigation.

Keeping in view the above said facts and circumstances moreso, the facts which have been noticed in the order dated 11.07.2022, and also the fact that the petitioner has joined the investigation and is not required for further investigation, the present petition is allowed and the interim order dated 11.07.2022 is made absolute.

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently

of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

September 27, 2022
Davinder Kumar

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