

**THE COURT OF JASWINDER SINGH
ADDITIONAL SESSIONS JUDGE, GURDASPUR**

**CIS No.BA/2997/2021
CNR No. PBGD01-006233-2021
Date of Decision: 22.09.2021**

Malkit Singh aged about 22 Years son of Charanjit Singh, resident of Village Aulakh Khurd, Tehsil Batala District Gurdaspur.

.....Petitioner

Versus

State of Punjab.

.....Respondent.

FIR No. 78 Dated 27.07.2021
U/S 67(B) of Information Technology Act, 2000
Police Station: Shri Hargobindpur.

First application for bail under Section 438 Cr.P.C.

Present: Shri R. S. Dhillon, Advocate, counsel for petitioner.
Shri Kiran Kumar, Additional P. P. for State.

ORDER

1. This is an application under Section 438 of Cr.P.C. for the grant of anticipatory bail to the petitioner for the alleged commission of offences as mentioned above.

2. Upon notice learned Additional P. P. put in appearance on behalf of State and contested the bail application. Police record was requisitioned and perused.

3. Brief facts of this case are that present FIR was registered on the basis of complaint moved before the Senior Superintendent of Police, Gurdaspur, with the allegations that Malkiat Singh son of

Charanjit Singh is having face book I.D attached with Mobile No.98154-60851 of his mother Jaswinder Kaur. On 25.06.2020, Malkiat Singh (Petitioner) posted objectionable video on his face book I.D Airavat Malhotra Screen/User Name (malkeet.aulakh.184).

4. It is submitted by learned counsel for petitioner that the petitioner is innocent and has been falsely implicated in this FIR. As per the versions of FIR, no offence under Section 67(B) I.T Act is made out against the petitioner. The present FIR has been lodged after a considerable delay by the complainant. The allegations levelled against the petitioner are vague. Nothing is to be recovered from petitioner. Petitioner is ready to join investigation and to cooperate in the same, so, he may be admitted to pre-arrest bail.

5. On the other hand, it is submitted by learned Addl. PP that the allegations against the petitioner are serious in nature. The custodial interrogation of petitioner is required for further investigation of the present FIR, as such, present bail application may be dismissed.

6. I have considered rival contentions of learned counsel for petitioner as well as of learned Additional Public Prosecutor and also perused the record.

7. As per allegations contained in the FIR, clips containing pornography were uploaded on Facebook I. D. of the petitioner. For thorough investigation of the present FIR and recovery of device

from which aforesaid clip was uploaded, the custodial interrogation of the petitioner would be sine qua non. In these circumstances, this court is of the considered opinion that no ground is made out to release the petitioner on pre-arrest bail. Hence, present bail application is hereby dismissed. Police record be returned. Copy of this order be sent to the court of learned Illaqa Magistrate for attaching the same with remand papers/FIR. Record of present bail application be consigned to the record room.

Pronounced in open court.
Dt: 22.09.2021
Prem Kumar, Stenographer-II

(Jaswinder Singh)
Addl. Sessions Judge,
Gurdaspur.UID No.PB0516

Present: Shri R. S. Dhillon, Advocate, counsel for petitioner.
Shri Kiran Kumar, Additional P. P. for State.

Police record produced. Arguments heard. Vide my separate detailed order of even date, present bail application has been dismissed. Police record be returned. Copy of this order be sent to the court of learned Illaqa Magistrate for attaching the same with remand papers/FIR. Record of present bail application be consigned to the record room.

Pronounced in open court.
Dt: 22.09.2021
Prem Kumar, Stenographer-II

(Jaswinder Singh)
Addl. Sessions Judge,
Gurdaspur.UID No.PB0516