



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

Sr.No.223

**CRM-M-14822-2026
Decided on : 11.05.2026**

Arshdeep Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present : Mr. Simranjeet Singh Sarwara, Advocate
for the petitioner.

Ms. Amrit Kaur Mahir, AAG, Punjab.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the instant petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.51 dated 02.12.2025, registered under Sections 79 of the BNS, 2023 and Sections 66-E and 67-A of the I.T. Act, at Police Station Cyber Crime, Patiala.

2. Brief facts as per the prosecution case are that the petitioner uploaded nude photographs of the wife of complainant on Instagram without her consent, thereby outraging her modesty and violating her privacy. Hence, the present FIR.

3. Learned counsel for the petitioner contends that the petitioner is innocent and has been falsely implicated in the present case. He further contends that the allegations levelled against the petitioner are false and he



has no concern with the said offence. Learned counsel contends that there is no direct evidence to connect the petitioner with the said offence. He further contends that the alleged Instagram ID was registered on mobile number which belongs to one Gurdeep Singh. Learned counsel contends that the prosecution has not placed on record any conclusive forensic or cyber forensic report establishing that the alleged photographs were uploaded by the petitioner. No recovery is to be effected from the petitioner. The petitioner is in custody since 03.12.2025 and has clean antecedents as he is not involved in any other case. The investigation in this case is complete; challan stands presented and charges are yet to be framed. He further submits that trial will take a long time to conclude and no useful purpose would be served by keeping the petitioner behind bars. Therefore, it is urged that the petition deserves to be allowed.

4. On the other hand, learned State counsel has filed the status report as well as custody certificate which are taken on record. She while referring to the said status report has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. However, he has not controverted the fact that the the petitioner is first time offender as he is not involved in any other case.

10. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the petitioner is in custody for the last more than 05 months and 04 days; he has clean antecedents; the investigation in this case is complete; challan stands presented; charges are yet to be framed and the fact that trial may take a long time to conclude, no useful purpose would be served by detaining the petitioner in further custody. His continued detention without the prospect of the trial being



concluded in the near future would be violative of his rights under Article 21 of the Constitution of India.

11. Reliance in this regard is placed upon a judgment of Hon'ble Supreme Court in the case of ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, wherein Hon'ble Apex Court has held that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of his right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle "*bail is a rule*" and "*jail is an exception*".

13. In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

11.05.2026
mamta

(RUPINDERJIT CHAHAL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No