IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

219

CRM-M-32132-2026
Decided on : 11.11.2026

TINKU

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Kamal Chaudhary, Advocate,
for the petitioner.

Mr. Gaurav Bansal, DAG, Haryana.

****

SANJAY VASHISTH, J.

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Tinku, aged about 27 years	11	04.02.2026	67-B of Information Technology Act, 2000	Cyber Crime	Panchkula

2. FIR in the present case was registered on the basis of an online complaint made by complainant SI Shyam Sunder. In relation to

LAVISHA
2026.11.12 16:27
I attest to the accuracy and integrity
of this document

the Instagram account allegedly belonging to petitioner Tinku, SI Shyam Sunder submitted an investigation report before the Cyber Crime Police Station, Panchkula, wherein it was reported that a communication had been received from the Online Cybercrime Reporting Portal concerning Women and Children (OCWC), Indian Cyber Crime Coordination Centre (I4C), Ministry of Home Affairs, the gist of which was noticed as under:-

> *"The Indian Cyber Crime Coordination Centre (14C), under the Ministry of Home Affairs Government of India, has been actively working towards enhancing safety and security for women and children in cyberspace through its dedicated vertical on online Crime against Women and Children (OCWC)wing. As part of our mandate, we continuously monitor and analyse trends, patterns, and specific instances of online abuse targeting vulnerable groups, particularly women and children. As a continuation of our efforts our team has identified new repeated offenders from Haryana. In addition to the same, we have also attached details of potential CSAM content creators. The above tiplines are filtered using Proactive Monitoring Tool (PMT) indicating high probability of Child Sexual Exploitation Abuse Material (CSEAM) in the content. Some Google CT reports may Not have an evidence file but its associated tiplines will contain confirmed CSEAM content. In which Mobile Number 9813518664 has been shown. On which, as per the Tipline report, a total of 17 complaints are registered, upon observation of which it is found that the Instagram ID mr.morwal.524, which is registered on tinkumorwal52@gmail.com and Mobile Number 9813518664, through which the suspect has been repeatedly sending obscene videos/photos related to minor children to the Instagram IDs of other persons. Regarding the suspected Mobile Number 9813518664, the SDR (Subscriber Details Record) was obtained from the concerned mobile SIM company Vodafone, according to which SDR, the subscriber of this number is found to be Tinku, resident of Jui, Bhiwani, District Bhiwani. According to the aforesaid letter, the suspected person sending obscene photos/videos*

LAVISHA
2026.11.12 16:27
I attest to the accuracy and integrity
of this document

> *related to children on social media to other persons is found to constitute a cognizable offence under Section 67B of the Information Technology Act 2000, therefore the preliminary investigation report is submitted into service for action in accordance with the ruler. SD/ Shyam Sunder SI (Sub-Inspector) Shyam Sunder No. 128/Fatehabad, Nodal Cyber Crime Police Station, Haryana Panchkula Date 04.02.2026 Mobile No. 9416404555."*

3. Since the aforesaid Instagram account was found to be linked with mobile phone number 98135-18664, allegedly belonging to the petitioner, it was noticed that total 17 complaints had been registered in relation to the said Instagram account, which was allegedly being operated by the petitioner.

Consequently, FIR in question came to be registered against the petitioner.

4. On the very outset, learned State counsel has produced custody certificate dated 09.11.2026 in Court today, which is taken on record. Office is directed to tag the same at the appropriate place on the file. A copy thereof has also been handed over to learned counsel for the petitioner.

As per the custody certificate, petitioner has undergone actual custody of 08 months and 23 days in the present case.

5. Learned State counsel has also placed on record status report dated 06.10.2026, which is taken on record. Registry is directed to tag the same at the appropriate place on the file.

LAVISHA
2026.11.12 16:27
I attest to the accuracy and integrity
of this document

6. Learned State counsel submits that petitioner has allegedly been repeatedly involved in uploading obscene videos relating to women and children and total 17 such instances have come to light. The Child Sexual Exploitation and Abuse Material (CSEAM) tipline reports, as appended with the status report, also refer to 17 instances allegedly linked to the petitioner, the details whereof are as under:-

S. No.	***Tipline Report Nos.***	***S. No.***	***Tipline Report Nos.***
1.	*221617321*	*10.*	*219823491*
2.	*222275018*	*11.*	*220637492*
3.	*214625916*	*12.*	*224766869*
4.	*220638635*	*13.*	*217878708*
5.	*215032135*	*14.*	*227358893*
6.	*212617672*	*15.*	*211736240*
7.	*199646308*	*16.*	*213792205*
8.	*217071073*	*17.*	*216824251*
9.	*221363708*		

7. This Court has heard the submissions advanced by learned counsel for the parties and has also gone through the record available on file.

8. A perusal of status report filed by the State reveals that no specific clarification has been furnished as to whether, during the course of investigation, petitioner was subjected to any medical or psychiatric examination by a qualified specialist to ascertain whether any underlying psychological or psychiatric condition could have a bearing upon the alleged conduct. The issue assumes significance in the peculiar facts and

LAVISHA
2026.11.12 16:27
I attest to the accuracy and integrity
of this document

circumstances of the present case, particularly having regard to the nature and repetitive character of the allegations. If any such underlying condition exists, the same requires appropriate medical attention and assessment, rather than merely allowing the petitioner to remain incarcerated for an indefinite period without examining that aspect.

9. This Court views allegations of such nature with utmost seriousness, particularly when they concern women and children. Such conduct, if established, is wholly unacceptable in a civilised society.

However, while dealing with cases involving such allegations, it is equally important to examine whether any underlying psychological or psychiatric factors may be contributing to the alleged behaviour. Unless the reasons behind such conduct are properly examined, the investigating agency may not be able to effectively address the possibility of its recurrence, nor the objective of preventing further victimisation would be adequately achieved.

10. Accordingly, if the Investigating Officer has not already undertaken the above said exercise, he is directed to ensure that petitioner is examined, without any further delay, by a qualified psychiatrist or other appropriate medical specialist, so that any underlying psychological or psychiatric condition, if present, may be identified and appropriate medical intervention may be recommended.

Such an exercise would also be relevant for devising appropriate measures to prevent any recurrence of similar conduct in

LAVISHA
2026.11.12 16:27
I attest to the accuracy and integrity
of this document

future, including in cases involving other persons allegedly indulging in such activities.

11. Petitioner is inside jail since 16.02.2026 and, as per the custody certificate, has already undergone 08 months and 23 days of incarceration. Further, except of the present case, no other criminal case is stated to have been registered against him. Keeping him behind bars for an indefinite period, particularly when the trial is likely to take considerable time to conclude, would serve no useful purpose for the prosecution.

12. In view of the totality of facts and circumstances of the case, nature of the allegations levelled against the petitioner, period of custody already undergone by him, and the other factors noticed here above, this Court deems it appropriate to extend the concession of regular bail to the petitioner in the present case.

Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

13. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

LAVISHA
2026.11.12 16:27
I attest to the accuracy and integrity
of this document

14. Any of the discussion done and recorded here above, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible, in accordance with law.

15. Petition stands disposed of.

16. **A copy of this order be forwarded to the Home Secretary, Punjab, Haryana and Union Territory of Chandigarh, for consideration and examination of the suggestion made herein regarding the medical examination of such accused persons.**

(SANJAY VASHISTH)
JUDGE

11.11.2026
Lavisha

Whether Speaking/Reasoned: **YES/~~NO~~**
Whether Reportable: **~~YES~~/NO**

LAVISHA
2026.11.12 16:27
I attest to the accuracy and integrity
of this document