Maharaj Saran v. State of Punjab & Ors.

Whether the offence under Section 66 of the Information Technology Act, 2000 is bailable — the High Court having observed, while disposing of a writ of habeas corpus concerning the appellant's detained son, that Section 66 is not, ex-facie, defined as

Date of Order: July 16, 2026
Case Law No: GIB-SC-2026-73
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CASE DESCRIPTION / SUMMARY

BACKGROUND

The appellant's son (the detenu) was detained at the airport pursuant to a Look Out Circular issued against him on 13.12.2024. The circular arose out of FIR registered at Punjab, for offences punishable under Sections 66, 72 and 84-C of the Information Technology Act, 2000 and Section 78(1)(ii) of the Bharatiya Nyaya Sanhita, 2023. The appellant filed a writ petition before the High Court of Punjab & Haryana at Chandigarh seeking a writ of habeas corpus for the release of his son.

While disposing of that writ petition by order dated 19.12.2024, the High Court observed that, ex-facie, Section 66 of the IT Act has not been defined as a bailable offence under the IT Act. Aggrieved by this observation alone, the appellant approached the Supreme Court, which issued a limited notice confined to the legal issue concerning Section 66 of the IT Act — the provision the High Court had treated as non-bailable. After hearing counsel for both parties, the Court took up that single question for consideration.

COURT OBSERVATIONS

"In our considered view, the High Court did not take into consideration Section 77B of the IT Act, which has to be read to ascertain the nature of offence provided under Section 66 of the IT Act."

"In such view of the matter, the view expressed by High Court that Section 66 of the IT Act has not been defined as a bailable offence under the IT Act, stands set aside."

FINAL VERDICT

The Supreme Court set aside the High Court's observation that Section 66 of the IT Act is not a bailable offence, holding that Section 77B of the IT Act must be read to ascertain the nature of the

offence under Section 66. The appeal was disposed of with this clarification.

Sections 66 & 77B, IT Act, 2000 – Strictly on the order, the Court held that whether the offence under Section 66 is bailable cannot be determined without reading Section 77B.

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