



CRM-M-16532-2026 (O&M)

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

211-2

CRM-M-16532-2026 (O&M)
Date of decision : 23.04.2026

SUKHPREET SINGH
Versus

... PETITIONER

STATE OF PUNJAB

.. RESPONDENT

CORAM : HON'BLE MR. JUSTICE H.S.GREWAL

Present:- Mr. Sidhant Mehra, Advocate for the petitioner.

Mr. Rohit Hans, DAG, Punjab.

H.S. Grewal, J.(Oral)

1. The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 439 Cr.P.C., 1973) for grant of regular bail to the petitioner in case FIR No. 0045 dated 15.05.2025, registered at Police Station Dorangla, District Gurdaspur, under Section 3 of the Official Secrets Act, 1923 and Section 152 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 124-A IPC) and Sections 25/54/59 of the Arms Act.

.2. The case of the prosecution is that on the basis of secret information, the petitioner along with co-accused was allegedly engaged in making videography/photographs of activities of the Indian Army near the border area and transmitting the same through mobile phones to one Gurlal Singh, a resident of USA. It is alleged that such acts amounted to sharing sensitive information during the period of tension between India and Pakistan, which could benefit the enemy country and pose a threat to the sovereignty and

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security of the nation. During investigation, mobile phones were recovered from the possession of the petitioner and co-accused, and certain videos/chats were allegedly extracted therefrom. Further, some live cartridges of .30 bore were recovered from Karanbir Singh, though no firearm was recovered.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and no material has been brought on record to substantiate that any such information was actually transmitted so as to endanger national security. It is further argued that sanction for prosecution under the Official Secrets Act, 1923, which is mandatory, has not been granted till date, despite the State having applied for the same vide letter dated 02.09.2025, and in the absence of such sanction, the trial cannot legally proceed. It is also contended that no firearm has been recovered from the petitioner. Lastly, it is argued that there is nothing on record to show that the alleged acts of the petitioner have actually resulted in any threat to the national security of the country. He further submits that the petitioner is in custody for the last more than 11 months and 03 days.

4. Learned State counsel vehemently opposes the prayer for grant of regular bail to the petitioner. He has filed the status report by way of affidavit of Rajinder Singh Manhas, PPS, Deputy Superintendent of Police, Sub Division, Dinanagar, District Gurdaspur and also the custody certificate in Court today, which are taken on record. As per the custody certificate, the petitioner is in custody for the last more than 11 months and 03 days. He upon instructions submits that the sanction for prosecution under the Official Secrets Act, 1923 is yet to be granted by the competent authority.

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5. I have heard the learned counsel for the parties and perused the record.

6. In view of the above submissions of learned counsel for the parties and keeping in view the facts that the petitioner is in custody for the last more than 11 months and 03 days and that the trial is likely to take a long time, particularly in light of the fact that the mandatory sanction for prosecution under the Official Secrets Act, 1923 has not yet been granted, therefore, this Court has no option but to grant the concession of regular bail to the petitioner during the pendency of the trial as the continuous detention of the petitioner would not serve the ends of justice.

7. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bail bonds, surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

8. However, it is made clear that in case the petitioner misuses the concession of bail, the State would be at liberty to seek cancellation of his bail.

April 23, 2026
A.Kaundal

(H.S.GREWAL)
JUDGE

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