

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-20520 of 2015

Date of decision:01.07.2015

Amrish Kumar	 Petitioner
	Versus
State of Punjab	 Respondent

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present: Mr. A.K. Walia, Advocate for the petitioner.
Mr. K.S. Pannu, DAG, Punjab.

Navita Singh, J. (Oral)

This petition has been moved by Amrish Kumar under Section 439 of the Code of Criminal Procedure seeking regular bail in case FIR No.80 dated 10.4.2015 registered under Sections 3 and 5 of Official Secrets Act, 1923 at Police Station City Sangrur.

The petitioner is in custody since 11.4.2015. The allegations as per the FIR are that on 8.4.2015 around noon time, it was found that the petitioner was clicking photographs of Sangrur Military Cantonment and he had entered the military station without permission and was clicking photographs of the secret installations in the cantonment. This information was given to the police vide letter written by Mr. R.K Sheoran, Colonel Administrative Commandant for Station Commander.

It was then informed that the petitioner had entered the station along with retired Subedar Gurdial Singh and a mobile phone was recovered from him. A high resolution camera was installed in it and the CD prepared from the photographs in the memory of the camera was handed over to the police by the military officials.

Counsel for the petitioner submits that the FIR was lodged two

days after the alleged incident and the army personnel had themselves prepared the CD and given it to the police instead of informing the police immediately and handing over the mobile phone in the condition in which it was recovered from the petitioner.

The case of the petitioner is that he had wanted to make a complaint regarding goods from the Army Canteen being illegally sold in the open market and when he was in the military station, his mobile phone was snatched, photographs were clicked by the Army people and CD was prepared by them.

In the statement of Gurdial Singh recorded under Section 161 Cr.P.C, he admitted that he had taken the petitioner to the military station on 8.4.2015 as the latter wanted to purchase some goods from the canteen in the name of the witness . However, he stated that the petitioner took him towards the side of the army office and started asking him about the officers and altercation ensued between one of the army personnel and the petitioner. There was nothing in his statement otherwise against the petitioner has alleged.

No recovery is to be made from the petitioner and he is already in custody for more than two and a half months. At this stage, there is no prima-facie evidence that any official information was obtained by him and/or leaked out to foreign intelligence agencies.

In view of the above, the petition is allowed. Bail to the satisfaction of Chief Judicial Magistrate, Sangrur.

01.07.2015
renu

(NAVITA SINGH)
JUDGE