

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-57371-2018(O&M)
Date of decision: 16.10.2019

Gurpreet Singh Gurminder

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Arnav Sood, Advocate for the petitioner

Mr. Bhupender Beniwal, AAG, Punjab

Mr. Brijesh Singh Kanwar, Sr. Standing counsel for UT
respondent No.2

ANIL KSHETARPAL, J. (ORAL)

Present petition under Section 482 Cr.P.C has been filed
praying for quashing of First Information Report No.98 dated 24.8.2018
under Section 3 of Official Secrets Act, 1923 registered at Police Station
Jalandhar Cantt., District Jalandhar at initial stage.

As per the case of prosecution, petitioner has made two video
films of area in Jalandhar Cantt. including location of the strategic assets
and uploaded the same on youtube channel. It has been alleged that two
videos contain information regarding lay out and location of strategic assets
which is a threat to security of Jalandhar Cantt.-an army establishment.

This Court has heard learned counsel for the parties at length

and with their able assistance has gone through the file. Learned counsel for the petitioner submitted that petitioner is a student of 23 years and is a cycling enthusiast. He bona fide recorded certain videos but none of the videos gives any information about strategic assets in the Jalandhar Cantt. He further submits that Jalandhar cantonment area is open to public and therefore, FIR registered is in abuse of process of law.

On the other hand, it is the stand of the investigating agency as respondent No.2 that through the videos the petitioner has uploaded, he has explained the location of lake which is used for training of the officers and not accessible to the public. Further location of residential houses of senior officers has been disclosed and filmed. Apart therefrom even location of the canteen has also been disclosed.

With a view to get the matter examined from a senior officer, Additional Commissioner of Police was directed to complete the investigation within a period of 30 days vide order dated 2.9.2019. On completion of the investigation a final report in this Court has been submitted and affidavit to that effect has been filed by Additional Deputy Superintendent of Police.

The jurisdiction of the Court under Section 482 Cr.P.C at initial stage is limited. Present FIR has been filed by respondent No.2 who is a responsible officer of Indian Army. He claims that security of a defence establishment has been compromised due to action of the petitioner whereas the petitioner claims otherwise. Still further it is the claim of the Army authorities that filming of the area is specifically prohibited and sign boards in this regard have been installed at various places.

After having heard learned counsel for the parties at length this

Court is of the view that this is not a fit case for exercise of jurisdiction under Section 482 Cr.P.C at the initial stage. Disputed questions of facts are required to be decided which can be appropriately decided by learned Trial Court after appreciating the evidence led by the parties.

Keeping in view the aforesaid facts, present petition is disposed of by relegating the petitioner to the remedy before the learned Trial Court. However, keeping in view the fact that the petitioner is a student who claims that his entire career is at stake, therefore, Trial Court is requested to make sincere endeavour to conclude the same within a period of 6 months.

Disposed of.

16.10. 2019	(ANIL KSHETARPAL)
rekha	JUDGE
Whether speaking/reasoned	Yes / No
Whether Reportable	Yes / No