

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

**CRM-M-13075-2020 (O&M)
DATE OF DECISION : 13.08.2020**

Vipan Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Manbir Singh Basra, Advocate,
for the petitioner.

Mr. Gaurav Garg Dhuriwala, Sr. DAG, Punjab.

(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

This is a petition for grant of regular bail to the petitioner in FIR No.60 dated 20.09.2019 under Section 3 of Official Secret Act, 1923, Section 66-F of Information and Technology Act, 2000 and Section 419 IPC, registered at Police Station Purana Shalla, District Gurdaspur.

2. As per allegations, an FIR was registered at the instance of a Lieutenant Colonel cum Administrative Commandant by sending a report to SHO, Police Station Purana Shalla, District Gurdaspur. It was reported that on 17.09.2019, a surprise check of civil employees of Thapa Suvidha Centre was carried out from 11.30 AM to 2:00 PM. During the said checking, one suspicious mobile phone of petitioner was identified having direct conversation with Pakistan nationals. It was also found that petitioner was in direct connection with two Pakistani nationals and he was sending videos and pictures on that mobile phones. He also exchanged whatsapp calls on the said mobile

numbers. The petitioner was arrested on 19.09.2019. Initially FIR was registered under Section 13 of the Unlawful Activities (Prevention) Act, 1967, Sections 17, 18 and 20 of the Unlawful Activities Amendment Orders Act, 2004 and Sections 121, 121-A, 123, 120-B IPC. However, later on these Sections were deleted vide DDR No. 31 dated 12.02.2020.

3. Learned counsel for the petitioner contends that nothing is to be recovered from the petitioner. His mobile phone and two sim cards were sent to Punjab State Cyber Crime Cell, Mohali. The data from the mobile phone was extracted through Mobile Forensic Investigation Tool by the cyber team. Said data was then sent to Technical Cell, Gurdaspur in a pen drive. He further contends that after checking the pen drive, nothing objectionable was found.

4. Learned counsel for the petitioner also contends that petitioner is in custody since 19.09.2019. Investigation in the case is already over as challan has been presented.

5. On a query of the Court, learned State counsel does not controvert the contents of reports furnished by Cyber Crime Cell, Mohali and Technical Cell, Gurdaspur, contained at Annexures P-2 and P-3, respectively.

6. I have heard learned counsel for the petitioner as also learned State counsel.

7. Report contained at Annexure P-2 states that the entire data, including the deleted data, has been retrieved. While the other report contained at Annexure P-3, states that after perusal of the entire data, nothing objectionable has been found therein. Challan has already been presented in the case. No further custodial interrogation of the petitioner is required. The trial is not likely to commence or conclude any time soon due to current pandemic conditions caused by COVID-19.

8. In the premise, the instant petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail bonds and surety bonds to the satisfaction of trial Court/Illaqa Magistrate/ Duty Magistrate.

August 13th 2020
Shalini

(ARUN MONGA)
JUDGE

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