

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

CRM-M-52261-2019

Date of decision:20.04.2021

Sukhwinder Singh alias Sukha

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Ramandeep Singh Gill, Advocate for the petitioner.

Mr. Avtar Singh Sandhu, Addl. A.G. Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

This is the petition under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in case bearing FIR No.143 dated 29.06.2019 registered under Sections 3, 5, 9 of the Official Secrets Act, 1923 and Section 120-B IPC at Police Station City Faridkot, District Faridkot.

Learned counsel for the petitioner states that as per the FIR, the petitioner was apprehended with secret documents related to security of Indian Army. He further states that vide order dated 10.09.2020 passed by a Coordinate Bench of this Court, the learned State counsel was directed to address in the reply, the issue as to what were the secret documents recovered from the petitioner's possession. But till date, no such details have been placed on record nor the sanction of the appropriate government under Section 13(3) of the Official Secrets Act, 1923 has been obtained/received. It is further stated that the petitioner is 60% physically disabled from his right leg and that no other case is pending or registered

against the petitioner. Moreover, the petitioner has been in custody since 29.06.2019.

On the other hand, learned State counsel submits that there are serious allegations against the petitioner that he was in touch with the Pakistani Citizens, namely, Ali Raza and Javed Malik and used to supply them the secret information about the Indian Army. It is further stated that sanction sought by the State Government from the Central Government on 28.08.2020 is still awaited. The factum regarding the custody and there being no other case pending or registered against the petitioner, is not denied.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 29.06.2019. The trial will take time to conclude due to Covid-19 pandemic situation. Moreover, the information as regards the alleged secret documents is not forthcoming and despite specific directions issued by the Coordinate Bench of this Court in this regard, no compliance was done. Thus, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail to the satisfaction of the learned trial Court/Duty Magistrate.

20.04.2021
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(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No