



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-49919-2024

Date of decision: 04.10.2024

Sunil KumarPetitioner
Versus

State of U.T. Chandigarh and othersRespondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Nitin Sharma, Advocate for the petitioner.

Mr. Manish Bansal, P.P., U.T., Chandigarh.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.0092 dated 14.09.2024 under Sections 379, 409, 120-B of the Indian Penal Code, 1860, registered at Police Station Industrial Area, Chandigarh.

2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case for allegedly sharing certain sensitive internal documents belonging to the Terminal Ballistic Research Laboratory (TBRL). While drawing the attention of this Court to the allegations levelled in the FIR, which has been annexed as Annexure P-1, learned counsel has pointed out that there is an unexplained and inordinate delay of over three years and two months in registering the FIR, which raises doubts about the authenticity of the allegations levelled therein and supports the petitioner's claim of false implication. Learned counsel has further submitted that the petitioner had voluntarily handed over a total of 70 drawings to the police and had



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also appeared before the authorities concerned, by providing his statements and submitting evidence to support his innocence. It has been further argued that the drawings in question had in fact been given to the petitioner by his uncle Khem Chand, who was a retired employee of TBRL, who had not been named as an accused in the present case.

3. I have heard learned counsel for the petitioner and perused the relevant material on record.

4. Before proceeding further, it would be relevant to reproduce the FIR in question, which reads as under:-

*“Sir, Terminal Ballistics Research Laboratory (TBRL) a premier laboratory is a part of Missile Cluster laboratories of Defence Research Development Organization (DRDO) and comes under Ministry of Defence, Govt. of India. TBRL, an important DRDO laboratory based in Chandigarh is actively involved in design, development, production, processing and characterization of different high explosive compositions and is engaged in blast, lethality and fragmentation studies of warheads, shells and other ammunition. In addition, this laboratory is engaged in captive flight testing of bombs, missiles, airborne systems and ballistic evaluation of various protective systems like body armour/helmets against small arms ammunition. The work of this department is highly sensitive and confidential. Due to its very nature of activities, it has been classified as a sensitive laboratory and declared as prohibited place under Official Secret Act 1923. The applicant Prakash Chand Bhatia, Sr. Administrative Officer, Terminal Ballistics Research Laboratory, Sector30, Chandigarh on behalf of The Director TBRL, wants to bring the following relevant facts into your knowledge for registration of FIR against the accused person mentioned hereunder:- 1. That Sh. **Sunil Kumar** S/o Sh. Ved Pal, Resident of H No 210, Phase-I, Ram Darbar, Chandigarh has submitted letter dated 15.07.2021 wherein he has relied upon official important secured, internal documents of laboratory and filed photocopies of same with the complaint which includes the drawings of Fragment Generator (W/H) and Warhead Assembly which relates to ammunition. The said documents are meant for limited internal circulation within the use of LAB only. The said documents have been*



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obtained by him illegally there by putting in danger the secrecy and security of the institution and disclosure of which is likely to affect sovereignty and integrity of India. 2 That therefore, it is viewed that utilization and access of these documents amount to breach of confidentiality and security of TBRL and can also affect security of the State. Consequently, it has been verified from the accused confirming as to whether the complaint dated 15.07.2021 having attachment of drawings was initiated by him or otherwise. The accused vide his letter 16.08.2021 confirmed initiation of the complaint stating that he had received the documents from Sh. Khem Chand, TO C (Retd.) S/o Sh. Ram Diya R/o H. No. 529, Sector-29A, Chandigarh but however, Sh. Khem Chand has denied in writing. The accused has utilized the said documents in wrongful manner thereby endangering the secrecy of TBRL by using the sensitive documents. 3. It is suspected that the accused has procured the documents from the premises of the institution through any source which needs to be thoroughly investigated from every angle, in order to get the offenders booked and sent behind the bars so that sanctity of the institution would be saved in future. The drawings and document can be useful to the enemy and can also affect friendly relations with foreign countries. 4. It is, therefore, requested to register the FIR Under Section 3, 5, 9, 11 of The Official Secrets Act, 1923 and section 378, 379, 406, 420, 120A, 120B, 34 of IPC and other relevant sections against Sh. **Sunil Kumar** and persons involved in the matter for causing theft for wrongful gain thereby causing wrongful loss to the department in terms of secrecy by illegally procuring the internal sensitive documents of the department in view of the facts and circumstances mentioned above. Thanking you. Yours Sincerely, (Prakash Chand Bhatia) Sr. Admin Officer-1 For Director Terminal Ballistics. Research Laboratory, Sector 30, Chandigarh Complainant No. PW 20212527 dated 08.06.2022 made by Prakash Chand Bhatia Sr. Admin Officer Director Terminal Ballistics Research Laboratory, Sector-30, Chandigarh Against **Sunil Kumar** S/o Ved Pal R/o H. No. 210 Phase-I, Ram Darbar, Chandigarh Bajaria Dak Mosul Police Station was registered, which prepared a report of the above complaint and sent to the Senior Officer for taking opinion, on the above complaint the officers, after taking DDA/L Opinion, have ordered to register a case for the crime U/s 379, 409, 120-B IPC against **Sunil Kumar** S/o Ved Pal R/o H. No. 210 Phase-1, Ram Darbar, Chandigarh, which on the request, Case FIR No. 92/2024 for the crime U/s 373, 409, 120-B IPC against **Sunil Kumar** S/o Ved Pal R/o H. No. 210 Phase-1, Ram Darbar,



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Chandigarh, was registered at the police station and the original complaint along with the copy of the complaint should be brought to the police. The SI himself took the investigation in his hands and filed the FIR, the officer will be in the service of Bala for a long time.”

5. *Prima facie*, there are serious allegations levelled against the petitioner. The petitioner is alleged to have illegally transmitted the photocopies of sensitive internal documents from TBRL, including drawings of a Warhead Assembly. These documents were reportedly intended for limited internal circulation within the Laboratory only. The unauthorized sharing of such material as per the case of the prosecution resulted in a breach of confidentiality and security at a highly sensitive facility under Defence Research and Development Organisation (DRDO), which falls under the Ministry of Defence. Therefore, it *prima facie* is a breach which potentially threatened state security.

6. Given the highly sensitive nature of the documents and case, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioner as a comprehensive investigation would be necessitated as to how these confidential documents were accessed, and also to identify any additional persons who may be involved in the alleged breach. The instant petition stands dismissed accordingly.

7. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

04.10.2024

Vinay

(MANJARI NEHRU KAUL)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No