



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-55868-2024

Date of Decision:-07.08.2025

Amarbir Singh @ Tota.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Amit Arora, Advocate for the Petitioner.

Mr. Harkanwar Jeet Singh, AAG Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The prayer in this second petition under Section 483 of Bhartiya Nagarik Suraksha Sanhita, 2023 is for the grant of regular bail to the petitioner in case FIR No.144 dated 22.09.2023 under Sections 3, 4, 5 & 9 of Official Secrets Act, 1923 registered at Police Station Bhikhiwind, District Tarn Taran.

2. The present FIR came to be registered at the instant of SI Balbir Singh and reads as under:-

“ Head Clerk Police Station Bhikhiwind Jai Hind. Today I SI along with ASI Lakhbir Singh 1600/TT, ASI Balbir Singh 712/TT PHG Gursharan Singh 4218 were on patrolling duty on private vehicle in search of anti-social elements and were going from Police Station to Chungmadi No Abad etc. and when Police Party while patrolling reached on Khemkaran Road Chela Gate then secret informer came present and gave the information that



Amarbir Singh @Tota son of Jaswant Singh resident of village Madi God Singh Police Station Bhikwind who has been got retired from the Indian Army and now residing in village Madi God Singh, that he through mobile phone/WhatsApp used to contact Pakistani smugglers and Pakistani secret agency/agents and used to provide secret information related to the Indian Army and its movement and used to provide photographs/maps related to the important/sensitive places and other secret informations which can cause harm to the security, unity, sovereignty of India and can be used by the hostile nation and he used to send the said information through mobile phone/WhatsApp to Pakistani smugglers and Pakistani secret agency/agents. Today also he is coming to village Madi God Singh near Bus Stand for providing secret documents and information to some of his accomplice and in case at this time in a planned manner the nakabandi is done in the area then Amarbir Singh @Tota abovesaid can be got apprehended along with prohibited/secret documents and other material. That since the information is concrete and reliable as such on the basis of the information received, the offences under Section 3, 4, 5, 9 of Official Secrets Act 1923 is made out, thus, after writing the Ruqa the same is being sent to the Police Station for registration of case by hand PHG Gursharan Singh 4218. After registering the case, the FIR number be informed. Control room be informed. After issuing the special reports, the same be sent to the senior officials. I SI along with other officials is going to the spot. Today within the jurisdiction of Chela Gate, Khemkaran Road at 10:10 PM. Sd./ Balbir Singh SI Police Station Bhikhiwind dated 22.09.2023."



3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The recovery of a torn diary has been planted upon him. The mobile phone recovered from the petitioner was sent for cyber analysis and has revealed that the petitioner was in contact with some Pakistani numbers. There is no evidence that he was supplying/providing any information to the Pakistani authorities. As he is in custody since 22.09.2023, the report under Section 173(2) Cr.PC stands presented but none of the 13 Pws have been examined so far, the Trial of the present case is not likely to be concluded anytime soon. Therefore, he is entitled to the concession of bail.

4. The Counsel for the State has filed additional affidavit of Mr. Deepak Pareek, IPS Senior Superintendent of Police, Tarn Taran, District Tarn Taran in the Court today, which is taken on record. While referring to the same, he contends that the mobile phone of the petitioner was sent to analysis and upon the same it transpires that the petitioner was in touch with some individuals based in Pakistan and there were certain photographs taken from his phone. Therefore, he is not entitled to the concession of bail. He however fairly concedes that the petitioner is a first time offender, in custody since 22.09.2023 and that one of the 13 Pws have been examined so far.

5. I have heard the learned counsel for the parties.

6. The veracity of the prosecution case against the petitioner shall be adjudicated upon during the course of the trial. Admittedly, he is stated to be in custody since 22.09.2023 and none of the 13 prosecution witnesses have been examined so far. Therefore, his further incarceration is not required.



7. Thus without commenting on the merits of the case, the present petitions are allowed and the petitioner-**Amarbir Singh @ Tota** son of Sh. Jaswant Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.
8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other case.
9. In addition the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.1,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.
10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

August 07, 2025
Vinay

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