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2026:PHHC:077413



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
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Arman
.....Petitioner
Versus
State of Haryana
...Respondent

Date of Decision: May 18, 2026
Date of Uploading: May 18, 2026

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Pratham Sethi, Advocate for the petitioner.
Mr. Gurmeet Singh, AAG Haryana.

SUMEET GOEL, J. (ORAL)

Present petition has been filed under Section 483 of the BNSS seeking grant of regular bail to the petitioner, in case bearing FIR No.74 dated 16.05.2025, registered for the offences punishable under Sections 238 and 152 of the BNS, 2023 and Sections 3, 4 and 5 of the Official Secrets Act, 1923, at Police Station Nagina, District Nuh.

2. The gravamen of the FIR in question is that on 16.05.2025, on receipt of secret information, the police party conducted a raid and one person was apprehended at the spot and, upon enquiry, disclosed his name as Arman (*petitioner herein*). During search, one mobile phone was recovered from his possession. Upon checking the mobile phone, a photograph relating to the Defence Expo proposed to be held in India in the year 2025, dated 14.04.2025, was allegedly found, wherein details regarding the venue, date, and names of

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participating companies were mentioned. Another photograph dated 12.04.2025 allegedly contained mobile numbers of companies participating in the Defence Expo. Further, several WhatsApp contacts having Pakistani mobile numbers beginning with “+92” were found saved in the device, and a substantial amount of data was found deleted from the mobile phone. On being questioned, Arman (*petitioner herein*) allegedly disclosed that he used to transmit confidential information regarding the activities of the Indian Army to one Danish, stated to be an employee posted at the Pakistan High Commission in Delhi, and that he used to receive money from him from time to time. It was further alleged that he had shared secret information affecting the sovereignty, integrity, unity, and security of India.

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 16.05.2025. Learned counsel has iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel has urged that requisite sanction under Section 217 of the BNSS, 2023 for invoking Section 152 of the BNS has not been obtained and, thus, proceedings have been vitiated. Learned counsel has further urged that the petitioner is not in possession to influence any witness stated in the list of witnesses. Thus, regular bail is prayed for.

4. Learned State counsel, while raising submissions in tandem with the reply by way of an affidavit dated 20/27.04.2026 (already on record), has opposed the present petition by arguing that allegations raised against the petitioner are serious in nature and, thus, the petitioner does not deserve the concession of the regular bail. Learned State counsel has further submitted that in case, the petitioner is granted concession of regular bail, there is all

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likelihood that he may abscond from the process of justice and also interfere/ intimidate the prosecution evidence/ witnesses.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 16.05.2025, whereinafter, the investigation was carried out and the challan has been presented on 11.08.2025. Out of total 20 cited prosecution witnesses, 07 have been examined till date.

At this juncture, it would be apposite to refer herein a judgment of the Hon'ble Supreme Court in *Javed Gulam Nabi Shaikh vs. State of Maharashtra and anothers, 2024(3) RCR (Criminal) 494*, which reads thus:

“18. Criminals are not born out but made. The human potential in everyone is good and so, never write off any criminal as beyond redemption. This humanist fundamental is often missed when dealing with delinquents, juvenile and adult. Indeed, every saint has a past and every sinner a future. When a crime is committed, a variety of factors is responsible for making the offender commit the crime. Those factors may be social and economic, may be, the result of value erosion or parental neglect; may be, because of the stress of circumstances, or the manifestation of temptations in a milieu of affluence contrasted with indigence or other privations.

19. If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as enshrined under Article 21 of the Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. Article 21 of the Constitution applies irrespective of the nature of the crime.

20. We may hasten to add that the petitioner is still an accused; not a convict. The over-arching postulate of criminal jurisprudence that an accused is presumed to be innocent until proven guilty cannot be brushed aside lightly, howsoever stringent the penal law may be.

21. We are convinced that the manner in which the prosecuting agency as well as the Court have proceeded, the right of the accused to have a speedy trial could be said to have been infringed thereby violating Article 21 of the Constitution.”

The rival contention raised at Bar give rise to debatable issued, which shall essentially be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought

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forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1. It is not in dispute that the petitioner is in custody since 16.05.2025 in the FIR in question. The petitioner is stated to be involved in one other FIR, but said factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in *Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586*, a Division Bench judgment of the Hon'ble Calcutta High Court in case of *Sridhar Das v. State, 1998 (2) RCR (Criminal) 477* & judgments of this Court in CRM-M No.38822-2022 titled as *Akhilesh Singh v. State of Haryana*, decided on 29.11.2021, and *Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191*.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is **allowed**. Petitioner is ordered to be released on regular bail, if not required in any other case, on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.

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- (v) The petitioner shall deposit his passport, if any, with the trial Court.
 - (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
 - (vii) The petitioner shall not in any manner try to delay the trial.
8. In addition to the aforesaid conditions, the petitioner shall report to the concerned Station House Office on 1st date of every alternate month till culmination of trial.
9. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.
10. Ordered accordingly.
11. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.
12. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

May 18, 2026
mahavir
Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No