



CRM-M-49353-2025

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

CRM-M-49353-2025

Date of Decision: 12.01.2026

Sarthak Bijalwan

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Ravi Malik, Advocate, for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for grant of regular bail to the petitioner in a case FIR No.222 dated 22.05.2025, registered under Sections 152, 333 of BNS, 2023 and Sections 3, 4 and 5 of the Official Secrets Act, 1923, at Police Station Chandimandir, District Panchkula.

2. Succinctly, facts of the case are that the FIR in the present case was lodged on the allegations that on 21.05.2025, at about 14:30 hours, an individual, namely, Sarthak Bijalwan (petitioner) was found making video in Chandimandir Military Cantt. In preliminary questioning, it was found that he sneaked in through Shakti Dwar without permission and thus, entered in the Cantt. area in an unauthorized way. During his questioning, it was found that he was assigned this task of making videos and sending the photographs and videos, by two individuals whom he met online. He had uploaded the videos of the Chandimandir Cantt. on his Youtube Channel on 20.05.2025 and 16.03.2025. Thus, the FIR was registered for taking legal action against the said person. On the registration of the FIR, the investigation commenced.



The petitioner was arrested on 22.05.2025. On completion of the investigation, the challan was presented and on framing of charges, the trial commenced. The petitioner approached the Court of learned Additional Sessions Judge, Panchkula praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 25.08.2025. Being aggrieved, the petitioner earlier approached this Court for grant of regular bail by way of filing CRM-M-38755-2025, however, the same was allowed to be dismissed as withdrawn vide order dated 25.07.2025. Hence, the petitioner has again approached this Court praying for grant of regular bail by way of filing the present second petition.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been arrested in this case on 22.05.2025. He submits that the petitioner is a Youtuber and he clicked the photographs and recorded the videos not with any intention of creating any violation of the breach of security of the country. He submits that the petitioner is a young boy, who has no criminal incidents and he is behind the bars since the date of his arrest. It is submitted that there are allegations in the FIR that he was in contact with some other persons, however, the same were not substantiated. It is submitted that the investigation is complete and charges have been framed. He, thus, submits that the petitioner deserves to be granted regular bail.

4. *Per contra*, learned counsel for the complainant has vehemently opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner had violated the security of the western



command and entered without seeking permission. He not only entered in the prohibited area which is highly sensitive, but also made videos and clicked the photographs of the same. On instructions from SI Yogdhayan, he has submitted that though charges have been framed, however, out of total 10 prosecution witnesses, no witness has been examined till date. It is submitted that conduct of the petitioner in itself is highly doubtful and thus, he does not deserve the concession of bail. He has placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner was arrested on the allegation of entering in the Cantt. area without permission. The allegations regarding his connections with other persons were not substantiated as submitted before this Court. The custody certificate would show that the petitioner has suffered incarceration of 07 months & 18 days as on 11.01.2026. It further shows that the petitioner has no criminal antecedents.

6. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

7. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the

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satisfaction of the concerned trial Court/Duty Magistrate.

8. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

12.01.2026

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(RAJESH BHARDWAJ)
JUDGE

Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No