

CRA-D-1307-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-D-1307-2025

JUDGEMENT RESERVED ON	JUDGEMENT PRONOUNCED ON	OPERATIVE PART PRONOUNCED OR FULL	UPLOADED ON
02.04.2026	22.05.2026	FULL PRONOUNCED	22.05.2026

Manpreet Sharma

...Appellant

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA
HON'BLE MRS. JUSTICE SUKHVINDER KAUR

Present: Ms. Anureet S. Sidhu, Advocate for
Mr. Chandanpreet K. Ahluwalia, Advocate
for the appellant.

Mr. Akshay Kumar, A.A.G., Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Section
79	01.09.2023	Ghagga District Patiala	3,5,7 and 9 of Official Secrets Act, 13, 16, 18 of UAPA, 25, 54, 59(7) (8) of Arms Act

Bail Application number before the Sessions Court	B.A. CIS No. 3584 of 02.09.2025 CNR No. PBPT-01009786-2025
Date of Decision	05.09.2025

1. Aggrieved by the dismissal of regular bail by the Additional Sessions Judge, Patiala vide order dated 05.09.2025, the appellant had come up before this Court by filing the present appeal under Section 21 of the National Investigation Agency Act, 2008.

2. Per custody certificate, the appellant has no criminal antecedents.
3. The appellant's counsel submits that the appellant would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the appellant repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and to which the appellant shall have no objection. Counsel for the appellant further submits that he shall not use his right of speech expression beyond what is permitted under Article 19 of the Constitution of India.
4. The State's counsel opposes the bail.
5. Facts of the case are being taken from reply filed by State counsel. Allegations against the main accused Amrik Singh are of dealing in heroin and weapons in conspiracy and connection with Pakistani smugglers. The role of the appellant Manpreet Sharma is that he leaked the official military secrets to main accused Amrik Singh. It shall be appropriate to refer to the following paragraphs of the reply which reads as follows:

“14. That on 14.02.2023 a parcel of cloth in which a Pendrive was deposited at Forensic Science Laboratory Phase-4 Mohali and on 15.03.2023 the accused Amrik Singh was taken to FSL Mohali after obtained him from Central Jail Patiala for the purpose of voice sampling and was given to the office FSL Phase-04 Mohali. The result report is yet to come. The accused Amrik Singh sent a file of about 140 pages of military information to the ISI agent living in Pakistan on his mobile phone and in addition to this. accused Amrik Singh used to talk to the agent of the said person in Pakistan and got drugs heroin and arms in large quantities and used to inform the agent of Pakistan about the activities of India and from the facts and circumstances, it is found that there is a crime under Sections 3,5,7,9 of the Official Secrets Act 1923 has been committed by the accused persons and in this regard, a separate case should be registered and an investigation should be initiated and then the present FIR was registered against the accused Amrik Singh son of Raghubir Singh resident of village Dedhana, police station Ghagga, district Patiala, presently resident of house number 01 Basant Vihar, Harinder Nagar, near Gurdwara Singh Sabha, Sirhind Road, Patiala.

18. That the INSP/SHO along with police party accompanied the said Amrik Singh and reached CIA Patiala. Since the said Amrik Singh was a person of criminal nature, the said Amrik Singh was sent to CIA Patiala in closed custody as per the orders of the senior officers. On 08.09.2023, the said Amrik Singh was again produced before the Court at Samana and a 5-day police remand was obtained. On 08.09.2023, accused Amrik Singh said during interrogation that,

"on 07.06.2022 he has sent a file and complete information of Military in a foreign country Pakistan to Sher Khan, who is agent of ISI from his Samsung Mobile Blue colour bearing No. 8054035672 to mobile No. +447494656751, in FIR No. 28 dated 1.05.2022 under section 21/29/31/61/85 NDPS Act and 25/54/59 Arm Act and this information was sent by - Manpreet Sharma son of Surinder Kumar, resident of House No.10 Balbeda Police Station Sadar Patiala had sent it to him. Manpreet Singh is working in Army and having belt No. 148912225X and his unit is ASC Battalion Pathankot (Punjab) and now he is posting at Bopal (MP) and thereafter, Manpreet Sharma son of Surinder Kumar resident of House No. 10 Baiveda Police Station Sadar Patiala was implicated as an accused in this case and on 08.09.2023 itself, arrest warrant was obtained from the Court of Samana for the accused Manpreet Sharma for 13.09.2023.

20. That on 09.09.2023, the arrest warrant of accused Manpreet Sharma son of Surinder Kumar were obtained and were handed over to SI Sahib Singh 1827/PTI Police Station Patran and sent to Bhopal (MP) along with the police party and on 10.09.2023 he arrested the accused Manpreet Sharma from Railway Station Bhopal (MP) in the above noted case and the information of his arrest was given to his father Surinder Kumar on his mobile (NDIA) number 94632-13149 as per his wish and other documents were also prepared. Thereafter SI Sahib Singh 1827/PTI checked the black backpack bag carried by accused Manpreet Sharma on his shoulder and found two iPhones in the bag, one of which was a white iPhone-12 with SIM number 90419-57997 and the other was a black iPhone-7 with SIM number 90562-67161. The Army card 14892225X, Sr.N-F-968576 of accused Manpreet Sharma was also found and Indian passport No. 12679774 having Validity 26.12.2018 to 25.12.2023, Adhaar Card No. 9992 1631 5416, one PAN card of the accused bearing No. GQCPS5800N, one Army canteen card of the accused GA05111771159700700, one Driving License No. PB-1120160246303 (LIGHT_LMV) issuing date 04.03.2016 valid till 03.03.2036, RC No. PB 11 CQ0850 (ROYAL ENFIELD) which is in the name of the accused Manpreet Sharma. The accused Manpreet Sharma is having a cheque book of SBI bank bearing account number 20370391762, cheque serial number from 137176 to 137200, CISF NO-86404979677, IFSC CODE-SBIN0050019, DEBIT Card of SBI bearing No. 6522940159490369, 5103720040261503 and one debit card HDFC Bank 4059880610547405, two credit cards SBI Bank number 4006-6765-3955-9008, SBI card number is 4006-6765-3955-9503. One credit card ICIC bank number 4035620924701002, a credit card bank IDFC FIRST Bank 5183158234 of accused Manpreet Sharma, one clothing card Army number 14892225XIAFC 851 and the original transfer order No. 4300/ST-120 dated 04.09.2023 having three pages. Two dairies, one service medical diary, one normal diary, one Apple Watch color black was recovered. Thereafter SI Sahib Singh 1827/Pta put two mobile phones along with Sim and apple watch in a separate

plastic box and wrapped it in cloth and prepared a parcel and put his seal as S and the sample seal was prepared separately and same after the use was given to ASI Balwinder Kumar 338/Pt. Then St Sahib Singh 1827/Pt. took a parcel of mobile and apple watch into the possession and the memos were prepared separately. The statement was recorded under Section 161 Cr.P.C and the accused Manpreet Sharma was medically examined by a doctor and produced before the Duty Magistrate at Bhopal and his transit remand was obtained till 13.09.2023.”

6. It shall be appropriate to refer to the following portion of reply which reads as follows:

“24. That during interrogation, accused Manpreet Sharma has made statement before INSP/SHO that the file containing intelligence Information, approximately 139 pages, was given to Amrik Singh, son of Raghbir Singh, resident of village Dedhana Ghagga Police Station, Patiala District, now resident of House No. 01 Basant Vihar, Harinder Nagar, near Gurdwara Singh Sabha Sirhind Road Patiala and the later given Sher Khan ISI agent at Pakistan and one printout is being concealed by him in his house situated at Balbera and he known regarding the same and he can recovered the same and on which the statement under section 27 Evidence Act was recorded separately and the accused Manpreet Sarma signed the same and the witnesses have also signed the same. Thereafter on the statement, the accused Manpreet Sharma, INS/SHO alongwith police party reached the house of accused Manpreet Sarma in village Balbera for recovery, where accused Manpreet Sharma opened the single bed and produced book of intelligence before the INS/SHO, then the INSP/SHO counted the pages of the information, which turned out to be a total of 139 pages.”

7. A perusal of para no. 24 of the reply clearly indicates towards the evidence of recovery at the instance of appellant- Manpreet Sharma in which a book containing 139 pages were recovered. This evidence connects the other links and clearly point out that appellant was one of the module in linking the information to alleged ISI agent at Pakistan and considering the serious nature of offence, current situation at the borders, appellant is not entitled to bail.

8. In UOI Rep. by Insp. of NIA v. Barakathullah, [2024] 5 S.C.R. 1011; 2024 INSC 452, May 22, 2024, the Hon’ble Supreme Court holds,

[2]. The Central Government in Ministry of Home Affairs, CTCR Division having received a credible information that the office bearers, members and cadres of Popular Front of India (PFI), an extremist Islamic organization have been spreading its extremist ideology across Tamil Nadu, by establishing State Headquarters at Purasaiwakkam, Chennai and also offices in various districts of Tamil Nadu and that through their frontal Organizations like Campus Front of India, National Women’s Front, Social Democratic Party of India etc., they conspire for

committing terrorist acts, raise funds for committing terrorist activities and recruit members for furthering their extremist ideology, and that the frontal organizations and PFI were involved in the recruitment of members to various prescribed terrorist organizations, passed an order on 16th September 2022, in exercise of the powers conferred under sub-section (5) of Section 6 read with Section 8 of the National Investigation Agency Act, 2008 (hereinafter referred to as the ‘NIA Act’), directing the National Investigation Agency to take up investigation of the said case. In view of the said order, an FIR being RC-42/2022/NIA/DLI came to be registered on 19.09.2022 against the present respondents and other members and office bearers of PFI for the offences under Section 120(b), 153(A), 153(AA) of IPC and Section 13,17,18,18(B), 38 and 39 of the Unlawful Activities (Prevention) Act, 1957 (hereinafter referred to as the “UAPA”).

[22]. In the instant case, we are satisfied from the chargesheet as also the other material/documents relied upon by the appellant that there are reasonable grounds for believing that the accusations against the respondents are prima facie true and that the mandate contained in the proviso to Section 43(D)(5) would be applicable for not releasing the respondents on bail. Having regard to the seriousness and gravity of the alleged offences, previous criminal history of the respondents as mentioned in the charge-sheet, the period of custody undergone by the respondents being hardly one and half years, the severity of punishment prescribed for the alleged offences and prima facie material collected during the course of investigation, the impugned order passed by the High Court cannot be sustained. We are conscious of the legal position that we should be slow in interfering with the order when the bail has been granted by the High Court, however it is equally well settled that if such order of granting bail is found to be illegal and perverse, it must be set aside.

9. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.
10. **Appeal stands dismissed.** All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

(SUKHVINDER KAUR)
JUDGE

22.05.2026
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.