



In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-68099 of 2025

Reserved On: 27.02.2026
Pronounced On: 07.03.2026

Jyoti Rani alias Jyoti Malhotra
... Petitioner(s)

Versus

State of Haryana
... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.

Present: Mr. Ravinder Singh Dhull and Mr. Navnit Sharma, Advocates
for the petitioner(s).

Mr. Ramender Singh Chauhan, Assistant Advocate General,
Haryana, for the respondent.

Surya Partap Singh, J.

1. This petition for bail is the first petition filed by the petitioner under Section 483 of ‘the Bharatiya Nagarik Suraksha Sanhita, 2023’. It has been filed with regard to a case arising out of FIR No. 153 dated 16.05.2025, for the commission of offence punishable under Section(s) 3, 4 and 5 of ‘the Official Secrets Act, 1923’ and Section 152 of ‘the Bharatiya Nyaya Sanhita, 2023’ Police Station Hisar Civil Lines, District Hisar, Haryana.
2. The FIR of this case came into being at the instance of ‘SI/SHO Bijender Singh’, Police Station Civil Lines, Hisar. According to above named police officer, in response to information received from the office of ‘Superintendent of Police, Hisar’, inquiries were made from ‘Jyoti Rani alias Jyoti Malhotra’ daughter of Harish Kumar (petitioner herein), resident of New Aggarsain Extension, EBS Road, Hisar, in the presence of ‘ASI

Suman'. The above named police officer further reported that during the course of inquiry it was stated by the petitioner that she is a 'Youtuber' having a channel by the name of 'Travel-with-Jo', and that for visit to Pakistan she had come in the contact of an official of Pakistan High Commission at Delhi. As per report, the petitioner further stated that the above-said official, namely 'Ehsan-Ur-Rahim alias Danish' had mobile number '9810488939', and that when she visited Pakistan on two occasions, at the instance of 'Ehsan-Ur-Rahim alias Danish' she met 'Ali Ahwan' who made arrangements for her stay and travel in Pakistan. The abovesaid report further stated that the petitioner also disclosed that in Pakistan 'Ali Ahwan' arranged her meetings with the officers of Pakistan Security & Intelligence Agency, and that she met there with 'Shakir' and 'Rana Shahbaz'. The petitioner also stated to the police officer that mobile number of 'Shakir' was '923176250069', and that once she returned to India she continued to be in touch with the above said persons through 'WhatsApp', 'Snapchat', 'Telegram' and other social media platforms, and that she also passed on various important & sensitive information to the above named persons.

3. It is the case of prosecution that in view of above mentioned information, formal FIR of this case was lodged and the investigation taken up.

4. Heard.

5. It has been contended on behalf of petitioner that the petitioner is innocent, having no nexus, whatsoever, with the commission of crime, and that she has been falsely implicated in the present case. According to learned counsel for the petitioner, the petitioner has already suffered

prolonged incarceration for being in custody for a period of nine months, and that the final report in this case has already been filed by the police. In view of above, the learned counsel for the petitioner has contended that nothing has been left to be recovered from the possession of petitioner and therefore, detention of petitioner in judicial lock-up is not likely to serve any purpose.

6. It has also been contended by learned counsel for the petitioner that the entire prosecution case is based upon an imaginary story having no substance at all, and that out of nothing a hype has been created by the prosecuting agency against the petitioner, who is a simpleton lady having her 'YouTube Channel'. According to learned counsel for the petitioner, if the prosecution case is taken into consideration in its entirety the only allegation against the petitioner which comes on surface is that she was in contact of the official of Pakistan High Commission who has been declared a '*persona non grata*'. According to learned counsel for the petitioner, the petitioner had visited Pakistan on two occasions and therefore, having contact with the officials of Pakistan High Commission in itself does not amount to an offence.

7. With regard to allegations against the petitioner that she had contacts with the operatives of Pakistan Intelligence Agency through social media platform, it has been contended by learned counsel for the petitioner that except the bald allegations and the disclosure/confessional statements of the petitioner, which were recorded when the petitioner was in police custody, there is no evidence at all. While claiming that the above-mentioned statements are hit by Section 23 of 'the Bharatiya Sakshya Adhiniyam,

2023’, the learned counsel for the petitioner has contended that the present case is the case of no evidence against the petitioner, but she is being subjected to prolonged incarceration.

8. The focus of arguments of learned counsel for the petitioner has also been upon the plea that the main allegation against the petitioner is with regard to taking photographs of ‘Pandoh Dam’. As per learned counsel for the petitioner, ‘Pandoh Dam’ is not a prohibited area, and that most of the details & photographs of ‘Pandoh Dam’ are already in public domain, as the same have been posted on the website of the concerned department.

9. In addition to above, the learned counsel for the petitioner has also contended that the law of the land prescribes that ‘bail is a rule and jail is an exception’, and that in the present case the petitioner, who is an unmarried young lady having no criminal background, is entitled for the concession of bail particularly when the investigation in this case is already complete and the trial is not likely to be concluded in near future.

10. In support of his arguments, the learned counsel for the petitioner has referred to the principles of law laid down by the Hon’ble Supreme Court of India in the case of “C.B.I. New Delhi v. Abhishek Verma” AIR Supreme Court 2399, wherein it has been observed that the presumption enshrined under Section 3(2) of the Official Secrets Act is a rebuttable presumption.

11. The learned counsel for the petitioner has also referred to the principles of law laid down by the Delhi High Court in the case of “Aniruddha Bahal, Niraj Kumar and Thomas Mathew v. Central Bureau of Investigation” 2014(16) RCR (Criminal) 1092, wherein it has been observed

that with regard to commission of offence punishable under the Official Secrets Act, the trial would be governed by the procedure laid down under the Official Secrets Act.

12. The learned counsel for the petitioner has also relied upon the principles laid down by the Telangana High Court in the case of “Ramakant Dixit v. State of Telangana and Another” 2023 Supreme(Online)(TEL) 1123, wherein it has been observed that under Section 13(3) of the Code of Criminal Procedure, 1973, the courts are restrained from taking cognizance unless a complaint is made by order or under any authority from the appropriate government, and that the complaint excludes police reports as per Section 2(d) of the Code of Criminal Procedure.

13. The learned counsel for the petitioner has further relied upon the principles of law laid by the Bombay High Court in the case of “Rohan Tukaram alias Appasaheb Kale v. Somnath Haribhau Koli and Others” Writ Petition [Stamp] No. 20054 of 2022, decided on 08.12.2022, wherein it has been observed that registration of FIR under Section 3 of the Official Secrets Act for taking photographs outside police station is unjustified.

14. The learned State counsel has controverted the above-mentioned arguments. According to learned State counsel, during the course of investigation, it was revealed that the petitioner had been secretly meeting with the officers of Pakistan High Commission, namely ‘Ehsan-Ur-Rahim alias Danish’, and that she was in contact of other operatives of Pakistan Intelligence Agencies, also. As per learned State counsel, during the course of investigation, when the petitioner was interrogated it was revealed that ‘Ehsan-Ur-Rahim alias Danish’ with whom the petitioner had been meeting

was declared a '*persona non grata*' by the Ministry of External Affairs, Government of India and was forced to leave country on 14.05.2025.

15. According to learned State counsel when the electronic devices being used by the petitioner such as her laptop, three mobile phones and other documents were seized, and got examined from Cyber Forensic Laboratory. It has also been claimed by the prosecution that social media accounts of the petitioner such as 'Facebook', 'Instagram', 'WhatsApp', 'Gmail', 'YouTube' etc. have also been examined and the details of her bank transactions have also been collected.

16. As per learned State counsel, on examination of the above-mentioned evidence, it has been found that the petitioner was in constant touch through 'WhatsApp Call' and other social media platforms with various officers of the neighbouring country, i.e. Pakistan, and that she was passing on sensitive information pertaining to strategic installation to the officials of the Pakistan Intelligence Agency. The learned State counsel has further contended that in the above-mentioned pursuit the petitioner even visited 'Pandoh Dam', video-graphed it including the videographies of prohibited area, and transmitted the above-mentioned information to the operatives of Pakistan Intelligence Agency, namely 'Shakir Jatt Randhawa', 'Rana Shahbaz', 'Namun Randhawa', 'Ali Hasan', 'Ali Ahwan' etc.

17. The learned State counsel has further contended that the petitioner in order to keep her conversation secret, firstly used only social media platform and secondly she used to delete the details of chat and conversation from his electronic device. It has also been contended by learned State counsel that the petitioner, in addition to video-footages of

‘Pandoh Dam’, also collected the details through videography of ‘Munnabau Railway Station, ‘CRPF Centre’ and passed on the above-mentioned sensitive information to Pakistan Intelligence Agency. In order to substantiate its allegations the learned State counsel has primarily relied upon the conduct of the petitioner such as:-

- a) deleting the details of communication from his electronic devices;
- b) while seeking visa for Pakistan instead of using general channels of visit through ‘Hindu Jathha’ she got privilege treatment from Pakistan High Commission and got direct visa through ‘Mohammad Ehsan-Ur-Rahim’;
- c) getting special accommodation booked with the help of operative of Pakistan Intelligence Agency, namely ‘Ali Ahwan’;
- d) sharing of video footage and photographs of sensitive locations of India such as ‘Pandoh Dam’, ‘Golden Temple’, ‘Munnabau Railway Station’ and ‘CRPF Centre’.

18. While claiming that by indulging in espionage activities and hurting the interest of the nation a heinous crime has been committed by the petitioner, the learned State counsel has urged for dismissal of the present petition.

19. The record has been perused carefully.

20. In the present case, it is relevant to mention here that the allegations against the petitioner are with regard to her involvement in anti-

national and espionage activities by passing over sensitive information to the officials of Pakistan Intelligence Agency. To support its above-mentioned stand the prosecution is relying upon the disclosure statement of the petitioner, which is supported and corroborated by the recovery of electronic gadgets being used by the petitioner. The above-mentioned evidence is further supported and corroborated from the fact that there had been an effort on the part of the petitioner to delete information with regard to conversations and transmission of information to the operatives of Pakistan Intelligence Agency. Once this *prima facie* evidence has been collected by the prosecution the presumption enshrined under Section 4 of the Official Secrets Act comes into picture. Section 4 of the Official Secrets Act provides that -

“(1) In any proceedings against a person for an offence under section 3, the fact that he has been in communication with, or attempted to communicate with a foreign agent, whether within or without India, shall be relevant for the purpose of proving that he has, for a purpose prejudicial to the safety or interests of the State, obtained or attempted to obtain information which is calculated to be or might be, or is intended to be, directly or indirectly, useful to any enemy.

(2) For the purpose of this section, but without prejudice to the generality of the foregoing provision,—

(a) a person may be presumed to have been in communication with a foreign agent if—

(i) he has, either within or without India; visited

the address of a foreign agent or consorted or associated with a foreign agent, or

(ii) either within or without India, the name or address of, or any other information regarding, a foreign agent has been found in his possession, or has been obtained by him from any other person;

(b) the expression “foreign agent” includes any person who is or has been or in respect of whom it appears that there are reasonable grounds for suspecting him of being or having been employed by a foreign power, either directly or indirectly, for the purpose of committing an act, either within or without India, prejudicial to the safety or interests of the State, or who has or is reasonably suspected of having, either within or without India, committed, or attempted to commit, such an act in the interests of a foreign power;

(c) any address, whether within or without India, in respect of which it appears that there are reasonable grounds for suspecting it of being an address used for the receipt of communications intended for a foreign agent, or any address at which a foreign agent resides, or to which he resorts for the purpose of giving or receiving communications, or at which he carries on any business, may be presumed to be the address of a foreign agent, and communications addressed to such an address to be

communications with a foreign agent.”

21. In addition to above, Section 5 of the Official Secrets Act provides that:-

“(1) If any person having in his possession or control any secret official code or pass word or any sketch, plan, model, article, note, document or information which relates to or is used in a prohibited place or relates to anything in such a place, or which is likely to assist, directly or indirectly, an enemy or which relates to a matter the disclosure of which is likely to affect the sovereignty and integrity of India, the security of the State or friendly relations with foreign States or which has been made or obtained in contravention of this Act, or which has been entrusted in confidence to him by any person holding office under Government, or which he has obtained or to which he has had access owing to his position as a person who holds or has held office under Government, or as a person who holds or has held a contract made, on behalf of Government, or as a person who is or has been employed under a person who holds or has held such an office or contract-

(a) wilfully communicates the code or pass word, sketch, plan, model, article, note, document or information to any person other than a person to whom he is authorised to communicate it or a Court of Justice or a person to whom it is, in the interests of the State his duty to communicate it; or

(b) uses the information in his possession for the benefit of any foreign power or in any other manner prejudicial to the safety of the State; or

(c) retains the sketch, plan, model, article, note or document in his possession or control when he has no right to retain it, or when it is contrary to his duty to retain it, or wilfully fails to comply with all directions issued by lawful authority with regard to the return or disposal thereof; or

(d) fails to take reasonable care of, or so conducts himself as to endanger the safety of, the sketch, plan, model, article, note, document, secret official code or pass word or information; he shall be guilty of an offence under this section.

(2) If any person voluntarily receives any secret official code or pass word or any sketch, plan, model, article, note, document or information knowing or having reasonable ground to believe, at the time when he receives it, that the code, pass word, sketch, plan, model, article, note, document or information is communicated in contravention of this Act, he shall be guilty of an offence under this section.

(3) If any person having in his possession or control any sketch, plan, model, article, note, document or information, which relates to munitions of war, communicates it, directly or indirectly, to any foreign power or in any other manner

prejudicial to the safety or interests of the State, he shall be guilty of an offence under this section.

(4) A person guilty of an offence under this section shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.”

22. With regard to bail to an accused facing prosecution for the commission of offence under the Official Secrets Act, the Hon’ble Supreme Court of India in the case of “State v. Captain Jagjit Singh” AIR1962 Supreme Court 253 has observed that in view of nature of offence allegedly committed by the accused, who were charged with an offence for conspiracy and offence under Sections 3 and 5 of the Official Secrets Act the accused is not entitled for the bail. In the above-mentioned case the Hon’ble Supreme Court of India set-aside the order passed by the High Court, whereby the benefit of bail was accorded to the respondent/accused.

23. Similarly in the case of “State (Through Commissioner of Police Special Branch), Delhi v. Jaspal Singh Gill” AIR 1984 Supreme Court 1503 the Hon’ble Supreme Court of India has observed that the offences under the Official Secrets Act relate to security of the State and therefore, the same are serious in nature. In the above-mentioned case, too, the benefit of bail accorded by High Court to the respondent/accused was withdrawn by the the Hon’ble Supreme Court of India.

24. In the light of observations made in the above-mentioned cases, if the facts related to present case are analyzed, it transpires that:-

i) *firstly* there is ample evidence, collected by the Investigating Agency, with regard to involvement of

petitioner in the commission of crime; and

- ii) *secondly* there is confessional statement of the petitioner which led to the discovery of facts related to this case; and
- iii) *thirdly* there is a presumption of Section 4 of the Official Secrets Act and thus, the involvement of petitioner in the commission of crime is *prima facie* established.

25. It is also relevant to note here that a bare perusal of the contents of Sections 4 and 5 of the Official Secrets Act makes it abundantly clear that *firstly* the information so collected by the petitioner comes within the ambit of prohibited information and *secondly* the conduct of petitioner raises a presumption about her involvement in the commission of crime under the Official Secrets Act. In addition to above, it is also pertinent to mention here that in the present case cognizance against the petitioner has also been taken for the commission of offence punishable under Section 152 of 'the Bharatiya Nyaya Sanhita, 2023', which prescribes as under:-

“Whoever, purposely or knowingly, by words, either spoken or written, or by signs, or by visible representation, or by electronic communication or by use of financial mean, or otherwise, excites or attempts to excite, secession or armed rebellion or subversive activities, or encourages feelings of separatist activities or endangers sovereignty or unity and integrity of India; or indulges in or commits any such act shall be punished with imprisonment for life or with imprisonment which may extend to seven years, and shall also be liable to

fine.”

26. Taking into consideration the fact that the allegations against the petitioner are for the commission of very serious nature of offence, i.e. indulging in anti-national activities and passing on sensitive information to the neighbouring country, and also that, that to support the above-mentioned stand of the prosecution there is sufficient *prima facie* evidence, without commenting anything on the merits of the case, it is hereby held that in view of conduct of the petitioner, the gravity of offence and other mitigating circumstances, the petitioner is not entitled for the benefit of bail. Hence, being without merits, the present petition is hereby **dismissed**.

27. It is, however, clarified that any observations made in the above-mentioned order shall not be construed as an expression of opinion on the merits of the case.

(Surya Partap Singh)
Judge

March 07, 2026
“DK”

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