



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

124

CRM-M No.73813 of 2025 (O&M)

Date of Decision: 20.02.2026

Tehal Singh

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

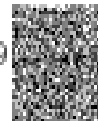
Present: Mr. Vaneet Sharma, Advocate for the petitioner.

Mr. Eklavya Darshi, DAG, Punjab.

SURYA PARTAP SINGH, J. (Oral):

This petition, under Section 483 of the Bharatiya Nagarik Suraksha Sanhita 2023, is the second petition, filed by the petitioner for grant of bail. The above mentioned petition pertains to a case arising out of FIR No.98 dated 02.05.2024, under Sections 419, 420, 467, 468, 471 of Indian Penal Code, Sections 66-C and 66-D of the Information and Technology (IT) Act 2000 and Sections 3 & 9 of the Official Secrets Act 1923, Police Station Model Town, District Hoshiarpur.

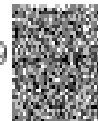
2. Briefly stating the facts emerging from record are that the FIR of this case came into being at the instance of 'Ram Singh', who had reported that on 02.05.2024 he was leading a team of police officials wherein Inspector 'Onkar' of Counterintelligence Unit met him along with his team at Railway Crossing Phagwara Road, Hoshiarpur. According to above named Police officer when the above mentioned joint team was



conducting checking as per instructions of senior officer, a reliable source gave an input that 'Harpreet Singh @ Pastor Johanson' had visited Pakistan twice on visitor's visa, and that he was in contact of officers of Pakistan Intelligence Agencies and Police officer. It was also reported that above named person ususally talks to the officers of Pakistan Intelligence Agencies through whatsapp, and that he had purchased SIMs by using forged documents. It was further reported that with the help of above mentioned tools he was passing on sensitive informations pertaining to Indian Army personnels, their movements, locations and other details including documents and photographs, to the Pakistani Agencies.

3. It is the case of the prosecution that in view of above mentioned information the petitioner was apprehended and an intimation-memo was sent to the police station for registration of FIR, for the commission of the offence punishable under Sections 419, 420, 467, 468, 471 of IPC, and Sections 66-C and 66-D of the Information and Technology (IT) Act 2000 and Sections 3 and 9 of the Official Secrets Act 1923.

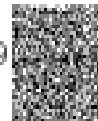
4. Further, it has been alleged by the prosecution that during the course of investigation when the above named accused 'Harpreet Singh @ Pastor Johanson' was interrogated he suffered a disclosure statement, wherein he revealed that he had visited Pakistan to attend the marriage of his cousin and there he was introduced to the officers of Pakistan Intelligence Agency, who asked him to collect and supply information about Indian Army and assured him to pay handsome amount for the same.



According to above mentioned disclosure statement of accused 'Harpreet Singh', he fell into the trap of above named officer and on return he started sending information to Pakistan Intelligence Agencies and received money in exchange of that informations.

5. The prosecution has further alleged that in view of above mentioned information provided by 'Harpreet Singh', the petitioner was arrested and on interrogation he, too, suffered a disclosure statement wherein he disclosed that when he was in Central Jail Hoshiarpur he came in contact of 'Makhan Singh', who asked him to join the business of selling Heroin. According to confessional statement of petitioner he agreed to that and thus at the instance of 'Makhan Singh' he started talking to a person known as *Chacha*, in Pakistan. It was further confessed by the petitioner that subsequently on the instructions of above named Chacha he even paid money to 'Harpreet Singh' and other person involved in the activities of collecting information about Indian Army and supplying the same to the officers of Intelligence Wing of Pakistan.

6. It is the case of the prosecution that in view of above mentioned disclosure statement further investigation was carried out and the mobile phone of the petitioner was seized and the same was got examined from the Forensic Science Laboratory. According to prosecution when Forensic Examination of the mobile phone, recovered from the possession of petitioner, was made it was found that there were sensitive informations in the mobile phone pertaining to the movement, placement and location of



Indian Army personnels and also the details and photographs of personnel of Indian Security establishments. The copy of report of FSL has been placed on record by the State along with its status report.

7. Notice of motion.

8. Since advance notice has already been served, Mr. Eklavya Darshi, DAG, Punjab, appears on behalf of respondent-State. Hence, service of notice upon the State is hereby dispensed with.

9. Heard.

10. With regard to present petition it has been contended by learned counsel for the petitioner that firstly, there is no legally admissible evidence against the petitioner as the only evidence collected by the Investigating Agency is the disclosure statement of the petitioner which is inadmissible in evidence and secondly the details of transfer of small amount of money in the account of co-accused or their family members does not mean that any offence as alleged by the prosecution had been committed. According to learned counsel for the petitioner the above mentioned evidence is grossly inadequate to establish any link between the petitioner and alleged offence. The learned counsel for the petitioner has further contended that, in fact, in the present case there is no evidence to show that any offence as claimed by the prosecution had ever taken place.

11. The learned State counsel has controverted the above mentioned arguments. According to learned State counsel in the present case the disclosure statement suffered by the petitioner has led to recovery of



incriminating material at the instance of accused and therefore, the disclosure statement can be relied upon. In view of sensitive nature of the offence, the learned State counsel has urged for dismissal of present petition.

12. The record has been perused carefully.

13. In the present case it is significant to note that the petitioner has suffered a disclosure statement and pursuant thereto, when mobile phone of petitioner and his co-accused were seized and got examined in Forensic Science Laboratory sensitive informations were found therein. The above-mentioned fact provides strength to the prosecution case, with regard to the allegation that the petitioner was involved in the activity of espionage.

14. Keeping in view the fact that a nexus between the petitioner and activities of transmitting sensitive information to intelligence agency of neighbouring country is *prima facie* established, it is hereby held that in view of gravity of offence, the sensitive nature of act of the petitioner and the role played by the petitioner in the commission of abovesaid offence, he is not entitled entitled for the benefit of bail and the petition being devoid of merit deserve dismissal. Hence, the same is hereby dismissed accordingly.

(SURYA PARTAP SINGH)
JUDGE

20.02.2026
Manoj Bhutani

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