



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

(220)

CRM-M-33214-2026 (O&M)
Date of Decision: **02.07.2026**

SANDEEP KUMAR @ SANDEEP PATHAK

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

-.-

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Mr. Tanvir S. Grewal, Advocate
for the petitioner.

Mr. Baljinder Singh Sra, Addl. A.G. Punjab.

-.-

VIRINDER AGGARWAL, J. (Oral)

1. The present is the first petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 439 of the Code of Criminal Procedure, 1973), seeking the concession of regular bail in FIR No.136 dated 20.05.2026 (Annexure P-1), registered under Sections 316(5) and 238 of the Bharatiya Nyaya Sanhita, 2023 (corresponding to Sections 409 and 201 of the Indian Penal Code, 1860), Section 3 of the Official Secrets Act, 1923 and Section 72 of the Information Technology (Amendment) Act, 2008, at Police Station Civil Lines, Bathinda, District Bathinda. It is further a matter of record that Section 238 of the Bharatiya Nyaya Sanhita, 2023 (corresponding to Section 201 IPC) was added subsequently during the course of investigation.



2. The facts giving rise to the present petition are that the instant FIR came to be registered at the instance of the Superintendent of Police (Detective), Bathinda. As per the prosecution case, the Additional Director General of Police (Security), Chandigarh, vide confidential communication dated 11.05.2026, issued directions regarding the provision of security to Sandeep Kumar in consultation with the Central Security Agency. It is alleged that the said communication, being confidential in nature and pertaining to security arrangements, was unauthorisedly shared by an unidentified police official with the petitioner, who allegedly misused the contents thereof. On the basis of the aforesaid allegations, the present FIR came to be registered.

3. Learned counsel for the petitioner has vehemently contended that the present case is a glaring instance of arbitrary exercise of investigative powers and is nothing but a misuse of the criminal process. It is submitted that the petitioner is a whistleblower, who has consistently exposed acts of corruption, maladministration, and other irregularities allegedly committed by public officials. Learned counsel further submits that the petitioner has been actively pursuing complaints against corrupt public servants and, pursuant to the directions issued by the Ministry of Home Affairs on the basis of his representations, he was found entitled to 'Y+' security. It is argued that when the said security cover was not provided, the petitioner submitted a representation along with Letter No. 1564/Litigation/SW dated 11.05.2026, seeking implementation of the competent authority's directions. Instead of acting upon the said communication, the investigating agency allegedly registered the present



FIR with a view to victimise the petitioner and stifle his bona fide efforts against corruption. It is further submitted that the petitioner has remained in judicial custody since 20.05.2026.

4. Learned State counsel has produced the custody certificate of the petitioner, which is taken on record. Opposing the present petition, it is contended that the allegations levelled against the petitioner are grave in nature, involving unauthorized handling and misuse of confidential security-related information, thereby attracting the provisions of the Official Secrets Act, 1923. It is, therefore, submitted that the petitioner does not deserve the concession of regular bail.

5. I have heard the learned counsel for the respective parties at length and have carefully perused the record as well as the material placed before this Court with their able assistance.

6. I have carefully examined the provisions of Section 3 of the Official Secrets Act, 1923, which are relevant for the adjudication of the present petition and are reproduced hereunder:-

“3. Penalties for spying.-

- (1) If any person for any purpose prejudicial to the safety or interests of the State-
 - (a) approaches, inspects, passes over or is in the vicinity of, or enters, any prohibited place; or
 - (b) makes any sketch, plan, model, or note which is calculated to be or might be or is intended to be, directly or indirectly, useful to an enemy; or
 - (c) obtains, collects, records or publishes or communicates to any other person any secret official code or password, or any sketch, plan, model, article or note or other document or information which is



calculated to be or might be or is intended to be, directly or indirectly, useful to 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, he shall be punishable with imprisonment for a term which may extend, where the offence is committed in relation to any work of defence, arsenal, naval, military or air force establishment or station, mine, minefield, factory, dockyard, camp, ship or aircraft or otherwise in relation to the naval, military or air force affairs of Government or in relation to any secret official code, to fourteen years and in other cases to three years.

- (2) On a prosecution for an offence punishable under this section it shall not be necessary to show that the accused person was guilty of any particular act tending to show a purpose prejudicial to the safety or interests of the State, and, notwithstanding that no such act is proved against him, he may be convicted if, from the circumstances of the case or his conduct or his known character as proved, it appears that his purpose was a purpose prejudicial to the safety or interests of the State; and if any sketch, plan, model, article, note, document, or information relating to or used in any prohibited place, or relating to anything in such a place, or any secret official code or password is made, obtained, collected, recorded, published or communicated by any person other than a person acting under lawful authority, and from the circumstances of the case or his conduct or his known character as proved it appears that his purpose was a purpose prejudicial to the safety or interests of the State, such sketch, plan, model, article, note, document, information, code or password shall be presumed to have been made, obtained, collected, recorded,



published or communicated for a purpose prejudicial to the safety or interests of the State.”

7. Upon a *prima facie* consideration of the material available on record, this Court finds that it is not evident, at this stage, as to how the communication directing the extension of 'Y+' security to the petitioner would fall within the ambit of an "official secret" so as to attract the rigours of the Official Secrets Act, 1923. The communication, on the face of it, pertains to the grant of security cover to the petitioner himself and, therefore, the petitioner appears to be the intended beneficiary and lawful recipient of such information. Although the prosecution alleges that the said communication was unauthorisedly shared with the petitioner, there is, at this stage, no material to *prima facie* indicate that the petitioner disclosed the contents thereof in the public domain or utilised the same in a manner prejudicial to the interests sought to be protected under the statute. Rather, the record indicates that the petitioner merely relied upon a copy of the said communication while approaching the competent authority for implementation of the directions contained therein. Whether the ingredients constituting the alleged offences are ultimately made out is a matter to be determined during the course of trial on the basis of evidence led by the parties, and this Court consciously refrains from expressing any conclusive opinion on the merits of the controversy.

7.1. Be that as it may, the applicant-accused has remained in judicial custody for more than one month and eight days. The investigation qua the applicant stands substantially concluded, and his further custodial interrogation is no longer required. Moreover, the trial is not likely to



conclude in the near future and is expected to consume considerable time before reaching its logical conclusion. In these circumstances, the continued incarceration of the applicant would serve no useful investigational purpose and would amount to pre-trial detention of an indefinite duration.

7.2. Accordingly, without expressing any opinion on the merits of the case and solely for the purpose of adjudication of the present petition, the same is allowed. The applicant-accused is ordered to be released on regular bail, subject to his furnishing requisite bail and surety bonds to the satisfaction of the learned Chief Judicial Magistrate concerned/Illaqa Magistrate/Duty Magistrate, as the case may be, and further subject to the following conditions:-

1. The applicant-accused shall not, directly or indirectly, make any inducement, threat, or promise to any person acquainted with the facts and circumstances of the case so as to dissuade such person from disclosing such facts before the Court or to the investigating agency.
2. The applicant-accused shall not tamper with the prosecution evidence in any manner whatsoever, nor shall he attempt, directly or indirectly, to influence, intimidate, or contact any prosecution witness.
3. The applicant-accused shall not leave the territorial limits of India without obtaining the prior permission of the learned Trial Court. In the event he is in possession of a passport, he shall furnish its particulars before the Investigating Officer as well as the learned Trial Court.



4. The learned Illaqa Magistrate/Duty Magistrate, before accepting the bail and surety bonds, shall obtain from the applicant-accused his permanent residential address as well as his present correspondence address, duly supported by appropriate documentary proof. The Investigating Officer shall verify the correctness of the said addresses within 48 hours from the acceptance of the bail bonds and shall place a verification report on the record. In the event either of the addresses is found to be false, fictitious, or incorrect, it shall be open to the prosecution to seek cancellation of the concession of bail in accordance with law.
5. The applicant-accused shall furnish before the learned Trial Court, either at the time of furnishing the bail bonds or within such period as may be specified by the Court, his Permanent Account Number (PAN), Aadhaar Number, particulars of all operative bank accounts, and a declaration disclosing details of his immovable properties, if any. Any concealment of material particulars or furnishing of false information shall constitute a valid ground for seeking cancellation of bail in accordance with law.
6. The applicant-accused shall intimate the Investigating Officer as well as the learned Trial Court, in writing, of any change in his residential address or mobile number within seven days from the date of such change.
7. The applicant-accused shall not commit any offence of a similar nature during the pendency of the trial and shall remain present before the learned Trial Court on each and every date fixed, unless his personal appearance is exempted in accordance with law. He shall not absent himself from the proceedings without obtaining prior permission of the learned Trial Court. In the event of any violation of the aforesaid conditions or his unauthorized absence



from the trial proceedings, it shall be open to the learned Trial Court to proceed in accordance with law, including cancellation of the concession of regular bail and issuance of appropriate coercive process, including warrants of arrest.

8. In view of the final adjudication of the present petition, all pending miscellaneous applications, if any, arising out of, connected with, or ancillary to the present proceedings, shall stand disposed of accordingly. No separate or further directions are required to be passed in respect thereof.

02.07.2026
Gaurav Sorot

(VIRINDER AGGARWAL)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No