CNR No: PHHC011065472026
2026:PHHC:126561

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Uploaded on:09.09.2026
CRM-M-35704-2026 (O&M)
Reserved on: 31.08.2026
Pronounced on :08.09.2026

Sunil Kumar @ Sunny …Petitioner

V/s

State of Haryana …Respondent

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Argued by: Mr. Sandeep Singh Jattan, Advocate,
Ms. Sundeep Kaur, Advocate and
Ms. Varsha Chaudhary, Advocate, for the petitioner.

Ms. Vasundhara Dalal Anand, Sr. DAG, Haryana.

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VIKRAM AGGARWAL, J

The prayer in the present petition preferred under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'the BNSS') is for the grant of regular bail to the petitioner in case FIR No.4, dated 02.01.2026 registered at Police Station Ambala Cantt, District Ambala under Section 152 of the Bharatiya Nyaya Sanhita, 2023 (for short 'the BNS') and Sections 3, 4, 5 of the Official Secrets Act, 1923.

2. On the basis of a secret information, the petitioner was arrested on 02.01.2026. It was found that he was having three mobile numbers on which, he was conversing with some woman namely Avni. Her mobile numbers were found to be operating from Pakistan. The petitioner was found to have sent photographs of Air Force Station Ambala Cantt to her. Information about the Air Force Station, Ambala Cantt and the Army Area including photographs of Rafale Jets had been shared. After conclusion of the investigation, final report was submitted.

It was submitted by learned counsel for the petitioner that the

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petitioner has been falsely implicated. It was submitted that there was no complaint from the Defence Authorities at any point of time and only on the basis of some secret information, the petitioner was apprehended and has been in custody for the last 9 months now. It was submitted that no sanction under Section 13 of the Official Secrets Act, 1923 had been obtained from the Government of India. It was further submitted that it is a case of defective investigation as the mobile phone of the petitioner remained in the *malkhana* for a period of 75 days and was sent only on 18.03.2026. It was further submitted that the pics of Rafale etc. are easily available on Google and there was nothing secret that the petitioner is alleged to have shared. It was submitted that in fact the petitioner is a victim of a honey trap and there was no reason for the petitioner to have shared the photographs of the Air Force Station etc. Learned counsel submitted that after completion of investigation, final report stands submitted. It was argued that there are 13 prosecution witnesses and to examine them, sufficient time would be taken and thus, no useful purpose would be served by keeping the petitioner in custody any longer. In support of his contentions, learned counsel placed reliance upon the judgments of coordinate Benches in the case of ***Davender Singh alias Davinder Singh v. State of Haryana (CRM-M-56269-2025, decided on 01.04.2026), Gurpreet Singh v. State of Punjab (CRM-M-56952-2025, decided on 23.03.2026)*** and ***Jasbir Singh v. State of Punjab (CRM-M-61274-2025, decided on 20.04.2026).***

4. *Per contra*, learned State counsel opposed the bail application stating that the allegations are very serious and that when the phone of the petitioner was sent to DITAC Lab, it was found that many photographs had been deleted. It was also submitted that the numbers with whom the petitioner was in touch were operating from Pakistan and the petitioner had shared very sensitive information about the Air Force Station Ambala and

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other army areas in its vicinity.

5. I have considered the submissions made by learned counsel for the parties.

6. The petitioner is alleged to have shared photographs of the Air Force Station, Ambala Cantt. and other army areas in the vicinity with a lady operating from Pakistan. It has come on record that the petitioner had access to the air force station as a supervisor. Even if it was a case of a honey trap, there was no occasion for the petitioner to share photographs of the air force station and the Rafale jets with an unknown person. Having done this, the investigating agencies were justified in treating it as a case of spying. Whether he was actually involved in the same or not would be determined only when the trial concludes. It has to be borne in mind that the Air Force Station, Ambala Cantt is a very strategic air force station for our country and such information going out to a neighbouring country with whom ties have not been very cordial is a serious matter. Such persons do not deserve to be released on bail, lest they may abscond or in other same manner influence the witnesses. Merely because the petitioner is in custody for the last 9 months and investigation has been completed, does not convince this court to release the petitioner on bail. I have gone through the orders relied upon by the learned counsel for the petitioner. The facts are totally different and, therefore, the petitioner cannot draw any benefit from the same. Even otherwise, in criminal cases, there can never ever be a strait jacket formula.

7. Further, it has come in the status report that the sanction has been obtained. The grant of sanction makes the matter even more serious.

8. Having considered the matter from all angles, this court does not find any reason to release the petitioner on bail.

9. That being so, the petition is found to be devoid of merit and is accordingly dismissed.

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However, nothing stated herein above shall be construed to be an opinion on the merits of the case.

(VIKRAM AGGARWAL)
JUDGE

Pronounced on: 08.09.2026
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

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