

2024:PHHC:081466



**In the High Court for the States of Punjab and Haryana  
At Chandigarh**

CRM-M-38889-2023 (O&M)  
Date of Decision:-2.7.2024

Rohit Kumar ... Petitioner

Versus

State of Haryana ... Respondent

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present:- Mr. Keshav Pratap Singh, Advocate with  
Mr. Tarun Hooda, Advocate and  
Mr. Vishal Singh, Advocate for the petitioner.

Mr. Munish Sharma, DAG, Haryana.

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<b>FIR No.</b>	<b>Dated</b>	<b>Police Station</b>	<b>Section/s</b>
206	14.10.2021	Shahzadpur, District Ambala	3, 4, 5 of Official Secret Act, 1923 and Section 124-A of Indian Penal Code

**GURVINDER SINGH GILL, J. (Oral)**

1. The petitioner seeks grant of regular bail in respect of the aforementioned FIR.
2. The allegations, in nutshell, are that pursuant to receipt of secret information by the police on 14.10.2021 to the effect that the petitioner, who was serving Indian Army as a Sepoy, had been leaking sensitive secret information to Pakistan in lieu of illegal gratification, a raid was conducted at his house in Village Korwa Khurd, Tehsil Naraingarh, District Ambala and he was



apprehend. It is further the case of prosecution that two mobile phones were recovered from the petitioner. It is further the case of the prosecution that during the course of investigation it transpired that illegal gratification had been passed on to petitioner's father and had been credited in his bank account.

3. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case and that there is no evidence worth credence to show that he had been passing on any kind of information to Pakistan or to anybody else much less for any kind of gratification. Learned counsel for the petitioner submitted that even after examining the mobile phones, no incriminating information could be gathered against accused. It has further been submitted that alleged illegal gratification stated to have been credited in the bank account of petitioner's father is barely to the tune of Rs.15,000/- and that there is nothing on record to show that the same had been deposited by anybody having links with Pakistan.
4. Opposing the petition, learned State counsel submitted that during the course of investigation, the call details were scrutinized, copies whereof have been annexed with the reply filed by State on the last date of hearing. It has been submitted that the petitioner was regularly in touch with one Shruti Parry, who was infact operating from Pakistan and was also having facebook account by the same name. Learned State counsel further informed that the petitioner as on date has been behind bars since the last more than 2½ years and that he is not involved in any other case. It has also been informed that challan was presented in December, 2021 and that charges already stand



framed. It has also been informed that as on date only 1 PW out of cited 15 PWs has been examined.

5. This Court has considered rival submissions addressed before this Court.
6. On the last date of hearing i.e. on 27.5.2024, learned State counsel had informed that although nothing incriminating could be found upon scrutinizing the call-details, but the data recovered from the mobile phones, which is to the tune of 48 GB, was yet to be scrutinized. Consequently, this Court had directed the State to take necessary steps in this regard. The operative part of the said order reads as under:

“While learned State counsel has informed that upon scrutinizing the said call-details record, nothing incriminating could be found, but has requested for an adjournment on the ground that the data recovered from the said mobile phones is to the tune of 48 GB and that the same is yet to be scrutinized. Learned State counsel has informed that while 2 recovered mobile phones were sent to FSL in the year 2021 itself but it is only now i.e. on 24.5.2024 that the FSL has transmitted the said data (48 GB). It has been submitted that scrutinizing such voluminous digital data is likely to consume time. Learned State counsel has thus requested for one month adjournment.

This Court has considered the aforesaid request made on behalf of learned State counsel. While it goes without saying that scrutinizing of 48 GB data would consume some time, but certainly the request for adjournment on the said count for one month is rather unjustified.

Incharge, Cyber Cell, Ambala is directed to ensure that some competent official is deputed to examine the recovered data and to submit his report on or before the next date of hearing.



The State to ensure that the said report is placed before this Court on or before the next date of hearing. In case, the same is not placed before this Court on the next date of hearing, Incharge, Cyber Cell, Ambala, Superintendent of Police, Ambala and ASI Karambir, who is present in Court, shall furnish their affidavits so as to explain the lacklustre action being taken in the matter, wherein already there has been a delay of more than 2 years in retrieving the data.

List again on 2.7.2024.”

7. Pursuant to the aforesaid directions, the State has filed status-cum-compliance report by way of affidavit of Shri Randhir Singh, HPS, Deputy Superintendent of Police Naraingarh, Ambala, District Ambala, which is taken on record. However, apart from one whatsapp text message, which also cannot be said to be incriminating, nothing else could be pointed out which could be said to connect the petitioner with the allegations made in the FIR. The petitioner has been behind bars for a substantial period of more than 2½ years. Challan already stands presented and as on date only 1 PW out of cited 15 PWs has been examined. Under these circumstances, particularly the fact that the State could not point out any piece of incriminating evidence against the petitioner and also the long custody of petitioner, further detention of the petitioner would not be justified.
8. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
9. It is, however, made clear that none of the observations made above shall be construed to be an expression on merits of the main case. Needless to

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mention the State shall be at liberty to investigate the matter qua the remaining co-accused.

**2.7.2024**

Geeta/P

**( Gurvinder Singh Gill )  
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No