



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

120

CRM-M-61274-2025 (O&M)

Date of decision: 20.04.2026

Jasbir Singh

...Petitioner(s)

VERSUS

State of Punjab

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. P.S. Ahluwalia, Sr. Advocate with
Mr. Deepinder Singh Virk, Advocate for the petitioner(s).

Mr. Mohit Kapoor, Sr. DAG Punjab.

VINOD S. BHARDWAJ, J. (Oral)

1. This is the first petition for grant of regular bail to the petitioner in case bearing FIR No.5 dated 03.06.2025, registered under Section(s) 152, 61(2) of the Bharatiya Nyaya Sanhita, 2023 and Sections 3, 4, 5 of the Official Secrets Act, 1923 at Police Station State Special Operations Cell, SAS Nagar (Mohali).

2. The present FIR came to be registered on the basis of a ruqa sent by SI Harminder Singh. As per the contents thereof, on 03.06.2025, while the said officer was present at Police Station SSOC, Mohali, at about 10:30 A.M., he received a secret information to the effect that one Jasbir Singh, son of Mohan Singh, resident of Village Mahlan, Police Station Chamkaur Sahib, District Rupnagar, who is stated to be a YouTube vlogger and running a channel under the name "Jaan Mahal", had visited Pakistan on multiple occasions and was allegedly in contact with the Pakistani intelligence agency, namely ISI. It was further stated that the said Jasbir Singh, in connivance with certain unknown accomplices and at the behest of

agents of the said agency, was engaged in passing sensitive information relating to activities within India, including movements of the Indian Army, to the ISI. It was also alleged that he maintained contact with several Pakistani nationals and was carrying out such activities under the guise of operating his YouTube channel. Thus, it was opined that the acts attributed to the said Jasbir Singh and his associates prima facie disclosed the commission of offences punishable under Sections 152 and 61(2) of the Bharatiya Nyaya Sanhita, as well as Sections 3, 4 and 5 of the Official Secrets Act, 1923. Accordingly, the ruqa was sent to the Police Station for registration of a case against the said Jasbir Singh and other unknown persons.

3. Learned Senior counsel for the petitioner contends that the petitioner was arrested in the present case on 03.06.2025 and has, since then, undergone an actual custody for a period exceeding 10 months. He contends that the present FIR has been registered on a secret information and the entire case is based only on the above information and one confessional statement of the petitioner. Apart from the above, no independent or substantive corroborative evidence has been collected by the respondent—State. It is contended that the petitioner is a vlogger who has been regularly uploading content on his YouTube channel and Instagram page. The initiation of the present proceedings is out of content posted on his youtube channel titled “*Jaan Mahal*”. Learned Senior Counsel submits that the incriminating material sought to be relied upon by the prosecution pertains primarily to two videos of which one video relates to the Bhakra Dam and the other concerns Mohali Airport. It is contended that, insofar as the video

of Bhakra Dam is concerned, the same had been uploaded prior to the year 2024, i.e., before Section 152 of the Bharatiya Nyaya Sanhita, 2023 had been notified. It is further submitted that the analogous provision under the erstwhile Indian Penal Code, 1860, namely Section 124, had already been stayed by the Hon'ble Supreme Court during the relevant period and there is no corresponding provision by which the offence of Sedition would be made out against the petitioner. Consequently, the act of uploading the said video would not constitute any offence when examined in the context of the legal regime prevailing at the relevant time. Learned Senior Counsel further submits that it is only on account of the subsequent incorporation of provisions under Section 152 of the Bharatiya Nyaya Sanhita, 2023, that the prosecution seeks to bring the said act within the ambit of penal liability. He submits that the endeavour is based on a misreading of the statutory provisions and overlooking that the Bharatiya Nyaya Sanhita, 2023 was not in force at the relevant time, hence, no offence thereunder can be attributed to the petitioner.

4. It is further argued that, insofar as the invocation of the provisions of the Official Secrets Act, 1923 is concerned, the respondent-State of Punjab lacks the authority to invoke the said provision. Section 13 of the said Act mandates that cognizance of offence thereunder can be taken only on a complaint made by, or under the authority of, the Central Government and in the absence thereof, the respondent-State of Punjab shall not be empowered to initiate any proceeding against the petitioner, rendering the initiation of proceedings under the said Act as also the arrest and continued detention of the petitioner, unlawful. Learned Senior Counsel

submits that no request or communication has been made to the respondent—State of Punjab by the Central Government in this regard. He submits that even assuming such a step were contemplated, the same would not retrospectively validate the proceedings already initiated. It is further submitted that the only additional circumstance sought to be relied upon by the prosecution is the presence of mobile numbers of a few Pakistani nationals in the petitioner's phone. In this regard, he submits that the petitioner used to reside in Norway, where several Pakistani nationals were his neighbours and it was in that context that their contact details came to be stored in his phone. He specifically averred that there has been no communication whatsoever between the petitioner and the said persons and the mere existence of such contact details, in the absence of any further material, cannot give rise to any inference of culpability.

5. Learned counsel further submits that the respondent—State has failed to place on record any material to demonstrate as to how and in what manner, the uploading of the said content would attract the offences alleged against the petitioner. It is also brought to the notice of this Court that the petitioner has already preferred CRR-2637-2025 challenging the order of framing of charge in respect of the said offences, wherein, upon recording the submissions advanced on behalf of the petitioner, further proceedings before the learned trial Court have been stayed vide order dated 17.10.2025 passed by this Court. It is submitted that the said revision petition is still pending adjudication.

6. Learned State counsel had sought time on the pretext that the mobile phone recovered from the petitioner has been sent for forensic

examination and the report thereof is awaited.

7. On resumption of hearing, learned Senior Counsel appearing on behalf of the petitioner submits that there has been no exchange of chats or communication inter se between the petitioner and any of the above Pakistani nationals. It is further not disputed that the petitioner has no criminal antecedents. There is no response to the legal arguments pertaining to the registration of the case and necessary ingredients.

8. Learned State counsel is not in a position to dispute that the petitioner has been operating a YouTube channel under the name "*Jaan Mahal*", on which a substantial number of travel and vlog-related videos have been uploaded over a period of time. The period during the videos were uploaded is also not in dispute. He also does not dispute that from the retrieval of the petitioner's mobile data, no chats, messages or communication have been recovered, at this stage, as would reflect that he was in contact with any Pakistani National.

9. In addition thereto, it is also not the case of the prosecution that the content uploaded by the petitioner pertains to any classified or restricted material not otherwise available in the public domain. Learned state counsel does not dispute that, prima facie, the videos in question appear to be of locations and subjects that are accessible to the general public and no material has been placed on record to demonstrate that the petitioner had access to, or disseminated any sensitive or confidential information.

10. He further does not dispute that there are no readily available supporting material, to suggest that the petitioner received any pecuniary or other unlawful or wrongful benefit in consideration of the alleged acts, or

that he acted in concert with any foreign agency pursuant to any established conspiracy.

11. I have heard the learned counsel appearing on behalf of the respective parties and have gone through the documents appended with the instant petition with their able assistance.

12. Having heard the learned counsel for the parties and taking into consideration the facts and circumstances noticed hereinabove, including the arguable issues that would arise with respect to the commission of offence as alleged, lack of readily available corroborative material at this stage indicating any direct/remote communication, transmission of sensitive information or any overt act indicative of culpable intent on the part of the petitioner, the period of actual custody already undergone by him and his clean antecedents, I deem it fit to allow the instant petition.

13. Accordingly, the instant petition is allowed and the petitioner is ordered to be admitted to regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate concerned.

14. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

15. The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

(VINOD S. BHARDWAJ)
JUDGE

20.04.2026

Mangal Singh

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