

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH



110+112+113	Date of decision: 14.07.2026
1	CRA-D-564-2024 (O&M)
GURPINDER SINGH @ PINDU	...Appellant
VERSUS	
STATE OF PUNJAB	...Respondent
2	CRA-D-1493-2025 (O&M)
CHARAT SINGH	...Appellant
VERSUS	
STATE OF PUNJAB	...Respondent
3	CRA-D-80-2025 (O&M)
NISHAN SINGH	...Appellant
VERSUS	
STATE OF PUNJAB	...Respondent
4	CRA-D-296-2025 (O&M)
VIKAS SINGH	...Appellant
VERSUS	
STATE OF PUNJAB	...Respondent

CORAM : HON’BLE MR. JUSTICE VINOD S. BHARDWAJ
HON'BLE MRS. JUSTICE SUKHVINDER KAUR

Present: Mr. Atul Goyal, Advocate,
for the appellant in CRA-D-564-2024.

Dr. Rajesh Gill, Advocate,
for the appellant in CRA-D-1493-2025.

Ms. Medha Kaushal, Advocate
for the appellant in CRA-D-80-2025.

Mr. Prathem Sethi, Advocate,
for the appellant in CRA-D-296-2025.

Mr. Bhanu Pratap Singh, Addl. A.G. Punjab.

VINOD S. BHARDWAJ, J.(ORAL)

These four appeals, having been filed by respective co-accused for seeking regular bail in case FIR No.236 dated 09.05.2022 registered under Sections 307, 212, 216, 120-B of IPC and Sections 16, 18, 18B, 19, 20, 23 of Unlawful Activities (Prevention) Act, 1967, and Section 3, 6 of Explosive Substances Act 1908 and Section 25, 27, 54/59 of Arms Act, at PS Sohana, are being decided by a common order.

2 As per version of the prosecution, the FIR was registered on the statement of SI Balkar Singh on the allegation that he was posted as Incharge of Security of Intelligence Bhawan at Sector 76 Mohali. On 09.05.2022, at about 7:45 P.M., he was present at the gate of Intelligence building, when he heard the noise of a blast in the said building and he saw the smoke coming out of the third floor of the building. The officials reached the third floor and found that someone had thrown a Projectile instrument. The incident occurred due to some anti social elements, thus resulting in registration of the FIR.

3 During the course of investigation, it was attributed that co-accused Divyanshu @ Guddu and Deepak (both non-appellants), along with other co-accused orchestrated the attack on the Intelligence Bhawan at Sector 76 Mohali, with a mini Rocket Launcher.

4 Counsel for the appellants contend that initially, one Jagdeep Singh @ Jaggi Kang was arrested by police on 12.05.2022 on receipt of

secret information. They contend that allegation against the said Jagdeep Singh @ Jaggi Kang was that he conducted recce of the building so as to facilitate the main attackers Divyanshu @ Guddu and Deepak in firing the projectile at the Intelligence Bhawan building. Said Jagdeep Singh @ Jaggi Kang has already been granted the concession of bail vide order dated 11.09.2024.

5 They submit that after arrest of Jagdeep Singh @ Jaggi Kang, his disclosure was recorded wherein four persons viz. Anantdeep Singh @ Sonu, Kanwarjeet Singh @ Kanwar Baath, Baljinder Singh @ Rambo and Baljit Kaur @ Sukhi were arrested on 13.05.2022. The allegation against the said four co-accused was that they harbored the main assailants, namely Divyanshu @ Guddu and Deepak, prior to the incident. It also remains undisputed that the said four co-accused have also been granted bail vide orders dated 18.04.2024, 06.08.2024, 14.10.2024 and 18.12.2023 respectively. Counsel further contend that a second disclosure of Jagdeep Singh @ Jaggi Kang was also recorded on 14.05.2022, wherein he nominated one Charat Singh (appellant in CRA-D-1493-2025). Additionally, disclosure statements of aforesaid four accused, namely, Anantdeep Singh @ Sonu, Kanwarjeet Singh @ Kanwar Baath, Baljinder Singh @ Rambo and Baljit Kaur @ Sukhi, were also recorded wherein they nominated Nishan Singh (appellant in CRA-D-80-2025). It is contended that insofar as Nishan Singh is concerned, the allegation against him is that he along with Charat Singh picked up and transported the arms and ammunition from Tarn Taran to Amritsar and thereafter to Jalandhar for delivery. It is contended that said Nishan Singh was arrested on 21.05.2022 and on his disclosure statement, car bearing No.DL09CAD-5208 with 9 live

cartridges of AK-47 was recovered from the house of co-accused Gurbinder Singh @ Pindu (appellant in CRA-D-564-2024). Counsel contended that as a matter of fact, co-accused Nishan Singh had already been arrested earlier, on 10.05.2022, in relation to case FIR No.81 dated 07.05.2022 and was later also nominated in the present case. It is contended that an additional allegation levelled against Nishan Singh is that he also provided shelter to the accused Divyanshu @ Guddu and Deepak, a role which is at par with co-accused Anantdeep Singh @ Sonu, to whom the concession of bail has already been granted. Counsel contend that as per reply submitted by the respondent-State, a sample of paint had allegedly been collected from the car recovered on the disclosure statement of appellant Nishan Singh, from the house of co-accused Gurbinder Singh @ Pindu which such paint matched the paint found on the projectile used in the incident. It is argued that the said version is unworthy of acceptance since the prosecution has nowhere established or alleged in the challan that the rocket launcher or the RPG mortar were also transported by the appellant Nishan Singh with Charat Singh. They contend that the allegations set out by the prosecution are that the entire operation was conceptualized and executed through the involvement of Lakhbir Singh @ Landa and Harvinder Singh @ Rinda, who are terrorists currently in United States and Pakistan respectively. Counsel contend that neither any allegation nor any link evidence to the effect that either Nishan Singh or Charat Singh were in any manner in connect with Lakhbir Singh @ Landa and Harvinder Singh @ Rinda or had any allegiance with them. Besides, the investigation does not disclose as to who provided the inputs or informed Nishan Singh or Charat Singh about the specific location from which the weapons were to be collected or the place

where they were to be delivered thereafter. It is submitted that although as per the prosecution case, after picking up, the weapons, were to be delivered at Jalandhar, however, neither the location nor the details of the person to whom or where the weapons were delivered, has come forth during investigation. It is further argued vehemently that the sole recovery thus effected at the disclosure of the appellant-Nishan Singh is of the car registered in the name of wife of Nishan Singh, with 9 live cartridges of AK-47. It is contended that no such weapon viz. AK-47 or any other gun/revolver/pistol etc., had been recovered by the police which is alleged to have been used in the present incident. The only other recovery made was a country-made pistol effected from Deepak (main accused). The cartridges recovered however could not have been used in any of the weapons that form part of the present trial. Hence, the usage of the ammunition recovered at the disclosure of the appellant Nishan Singh, in the commission of the offence remains unestablished and would dilute the alleged link of the said appellant in the commission of the said offence. It is further argued that insofar as the alleged matching of the paint is concerned, there is nothing on record on the basis whereof it may be assumed that any paint had fallen off the shell/rocket launcher as the challan has not mentioned of any chipped paint. It is further not coming forth as to whether the paint used on RPG is a special military grade paint which is not ordinarily available. Considering that the weapon was not painted inside the car, hence, in such circumstances, in the absence of a corroborating chipping of the paint from the weapon used in the commission of offence, the alleged recovery of traces of paint from the car recovered in the disclosure of the appellant herein is highly suspect.

6 While advancing the case on behalf of appellant Gurbinder Singh @ Pindu, it is contended that the name of the aforesaid accused cropped up in the disclosure of Nishan Singh and he was later taken in custody on 17.02.2023. At his disclosure, 09 live cartridges were allegedly recovered from near a Sohana Gurudwara and from the adjoining fields. It is contended that there is no link flowing from the investigation completed by the police that as to how Gurbinder Singh @ Pindu and Nishan Singh were in contact with each other and as to why Nishan Singh would park his car at the house of Gurbinder Singh @ Pindu.

7 Be that as it may, the sole recovery effected at the disclosure of Gurbinder Singh @ Pindu is 9 live cartridges, none of which has allegedly been used in the offence. Additionally, an alleged weapon bag was recovered from the fields of Manveer Singh (Amritsar) at the disclosure of the appellant, however, there were no weapon in the said bag.

8 Counsel for the appellant-Vikas Singh submits that the appellant has been nominated as an accused solely because Deepak (the person who fired the mortar from the rocket launcher on the Intelligence Bhawan building at Mohali) was the gunman of the appellant and that after the incident, he stayed at the place of appellant Vikas Singh. It is contended that there is no established link on record on the basis whereof the complicity and knowledge by Vikas Singh, about the incident or attack on intelligence building, could be inferred. It is submitted that appellant Vikas Singh had been arrested on 28.08.2023 and is in custody since then. Counsel further contended that despite the appellant being in custody for more than three years, trial has not commenced so far and even the charges are yet to be framed. There are 83 prosecution witnesses cited in the case,

hence, conclusion of trial shall take long.

9 On the other hand, learned State counsel contends that the appellants are members of an organised crime network and were involved in the commission of the offence by staging the mini rocket launcher attack on the Intelligence Bhawan building in Punjab. The State does not dispute the specific role attributed to, and the recoveries effected from the respective appellants, as noticed hereinabove. It is however contended that the appellants have criminal antecedents, which demonstrate their allegiance and affiliation with organised crime syndicates and their involvement in criminal activities. It is contended that the weapons used in the offence were picked up and their transportation was ensured by Nishan Singh and Charat Singh while the other accused persons provided various inputs and also provided place to the assailants before and after the incident. The stage of the trial, as well as the period of custody is however not disputed. It is contended that appeal bearing No. CRA-D-296-2025 has been filed by appellant Vikas Singh after a delay of 95 days and hence, it would not be maintainable.

10 With respect to the allegation of criminal antecedents of the appellants herein, counsel for the appellants contend that sofar as Gurbinder Singh @ Pindu is concerned, he is involved in only three cases out of which he already stands discharged in two cases and one case pertains to a jail offence. Qua appellant Vikas Singh, it is contended that there are 13 cases registered against him of which he stands acquitted in 12 cases whereas one case other than the case in hand, is with respect to the same incident. With regard to the 21 FIRs that have been registered against Charat Singh and 26 FIRs that have been registered against Nishan Singh, it is contended that

while the factum of registration of said FIRs is not disputed, it is alleged that in a large number of matters, the above appellants have either been acquitted or discharged or their names have been dropped and in several cases they have also been granted bail.

11 It is further contended that the crucial question which arises for consideration is as to whether the participation of the appellants herein is apparent from the evidence collected and despite the final report having been filed against them.

12 In support of seeking bail, learned counsel rely on the judgment of Hon'ble Supreme Court reported as '2026 INSC 503 titled as *Syed Iftikhar Andrabi v. National Investigation Agency*', wherein it is held as under:

27.4. In Najeeb, this Court clarified that Watali arose in a very specific factual context where the High Court had effectively conducted a mini-trial by reappreciating evidence and determining admissibility issues at the stage of bail and, therefore, this Court had to step in to cancel the bail granted by the High Court to the accused therein. The larger Bench in Najeeb, therefore, confined Watali to the impropriety of undertaking extensive evidentiary evaluation at the bail stage by the High Court. Importantly, Najeeb did not treat Watali as establishing a general rule of near-automatic denial of bail under the UAP Act.

27.5. This view was followed even more explicitly in Sk. Javed Iqbal, where this Court, speaking through one of us (Justice Bhuyan), observed as under:

*33. This decision i.e. **NIA v. Zahoor Ahmad Shah Watali** has to be read and understood in the context in which it was rendered and not as a precedent to deny bail to an accused-undertrial suffering long incarceration with no end in sight of the criminal trial.*

27.6. The position of law emerging from Najeeb and Sk. Javed Iqbal is therefore clear: Watali cannot be invoked to justify indefinite incarceration of the accused under the UAP Act. For the aforesaid reasons, the attempt in Gurwinder to read Watali as

laying down a general rule of denial of bail notwithstanding the period of incarceration is difficult to reconcile with this Court's own subsequent clarification of what the ratio in Watali actually meant.

27.7. *We also note that the Bench in Gurwinder formulated the so-called 'twin-prong test' governing grant of bail under the UAP Act. It held that the inquiry under Section 43-D(5) must proceed in two sequential stages: first, whether the accusation is prima facie true; and second, only if the first question is answered in favour of the accused, whether ordinary bail considerations, such as, flight risk, tampering with evidence, or influencing witnesses, justify release. If the first stage of this twin-prong test is satisfied against the accused, bail becomes absolutely impermissible.*

27.8. *With respect, this test flows neither from the text of Section 43-D(5) of the UAP Act nor from Najeeb. In fact, on the contrary, it is in teeth of Najeeb which categorically stated that Section 43-D(5) of the UAP Act provides no more than another possible ground, namely that the accusations against the accused are prima facie true, for the competent court to refuse bail, in addition to the well-settled considerations like possibility of tampering with evidence, influencing the witnesses, or the accused evading the trial by absconding etc. If this twin-prong test is accepted, the State need only satisfy a low prima facie threshold while the trial may continue for years with the result that pre-trial incarceration begins to acquire a post-trial punitive character and even then, no court could ever grant bail no matter the length of period of such incarceration because the case stood prima facie made out against the accused. A plain reading of Najeeb will show that it was trying to prevent precisely this possibility from arising when it cautioned that Section 43-D(5) must not become 'the sole metric for denial of bail or for wholesale breach of constitutional right to speedy trial.'*

27.9. *Therefore, the caution of Najeeb is that continued incarceration cannot go unabated by a mere discharge by the State of the prima facie standard under Section 43-D(5). The judgment explicitly held that Section 43-D(5) will 'melt down' where prolonged incarceration and delayed trial produce a violation of Article 21. The constitutional inquiry in Najeeb therefore operated independent of, and notwithstanding, the statutory embargo of Section 43-D(5) in the realm of constitutional principles. That being the case, the formulation of Gurwinder becomes difficult to follow. Once the three-Judge Bench in Najeeb recognised that*

constitutional courts retain the authority to intervene despite the existence of a prima facie case against the accused where prolonged incarceration and delayed trial would breach Article 21, the statutory embargo of Section 43-D(5) could no longer be treated as the gateway through which the prayer of bail must first pass.

27.10. As a matter of law, nothing further need be said except that in any case, constitutional courts can always intervene to grant bail despite satisfaction of prima facie threshold under Section 43-D(5), and the section need not control the grant of bail if the accused person's liberty is infringed for a prolonged period of time. The power of the constitutional court to grant such a prayer cannot in our view be diminished by exercise of legislative power.

13 It is submitted that, having regard to the prolonged incarceration of the appellants for a period of more than three years, during which the trial has not yet commenced, the rigour of the embargo contained in Section 43D(5) of the Unlawful Activities (Prevention) Act, 1967, stands diluted in the light of Article 21 of the Constitution of India. It is contended that the State cannot justify the continued incarceration of the appellants when no effective steps have been taken to ensure the expeditious commencement and conclusion of the trial.

14 We have heard learned counsel for the parties and have gone through the documents appended along with the appeals.

15 Various questions of vital significance and material argument have been raised. The said issues would determine the extent of involvement of the appellants and as to whether their acts are those as members of an organized gang or these are isolated instances which facilitated the offence. Besides, the aspect of knowledge and their conscious involvement in the offence committed is yet an allegation which is debatable. While the appellants may have certain criminal history but the same alone may not be sufficient to assume and attribute their involvement

in the ultimate offence as well.

16 The Supreme Court has already ruled that S.43 D(5) of the Act is not to be read over and above the constitutional guarantees to keep a person in prison for an indefinite period.

17 Taking note of the arguable issues that have been raised by the counsel for the appellants and also responses submitted and considering the stage of the trial as well as period of custody already undergone by the respective appellants which is more than three years and upto four years and also noticing that other similarly placed accused persons have been granted the concession of bail vide orders passed on different dates and in view of the law laid down in *Syed Iftikhar Andrabi (supra)*, the present appeals are allowed and the appellants are ordered to be released on bail on their furnishing requisite bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate, concerned.

18 It is made clear that the appellants shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

19 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.

20 Addressing the issue of delay, counsel referred to the order passed by the Hon'ble Supreme Court in W.P (Civil) No.1076/2019 titled as *Sajal Awasthi Vs. Union of India*, wherein the Hon'ble Supreme Court has ordered that till the next date of hearing, the appeals/petitions preferred by the accused/victims should not be dismissed on the grounds of delay alone.

Hence the said objection is currently disregarded in view of the order passed by the Hon'ble Supreme Court.

21

Accordingly, the delay of 33, 30 and 95 days in filing the appeals i.e. CRA-D-1493-2025, CRA-D-80-2025 and CRA-D-296-2025 respectively is condoned.

22

All pending application(s), if any, also stand disposed of.

(VINOD S. BHARDWAJ)

JUDGE

14.07.2026

14.07.2026

(SUKHVINDER KAUR)

JUDGE

Whether reasoned/speaking?

Whether reportable?

Yes/No

Yes/No