IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-D-1347-2025

JUDGEMENT RESERVED ON	JUDGEMENT PRONOUNCED ON	OPERATIVE PART PRONOUNCED OR FULL	UPLOADED ON
06.03.2026	01.04.2026	FULL PRONOUNCED	01.04.2026

Dheeraj Kumar ...Appellant

Versus

State of Punjab …Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA
HON'BLE MRS. JUSTICE SUKHVINDER KAUR

Present: Mr. Vipan Kumar, Advocate
for the appellant.

Ms. Pooja Nayar Sharma, D.A.G., Punjab.

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ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Section
57	16.03.2025	Maqsudan, Jalandhar	109 BNS, 3, 4, 5 of Explosive Substance Act

Criminal Case number before the Sessions Court	BA-5415-2025
Date of Decision	19.07.2025

1. Aggrieved by the dismissal of regular bail by the Additional Sessions Judge, vide order dated 19.07.2025, the appellant had come before this Court by filing the present appeal, seeking bail in the FIR mentioned above.

2. Per custody certificate, the appellant has the following criminal antecedent:

Sr. No.	FIR No.	Dated	Offences	Police Station
1.	59	18.03.2025	109, 221, 132, 261, 62 BNS and 25 of Arms Act	Maqsudan

3. The case set up by NIA is that on the intervening night of March 15/16, 2025 one accused Amritpreet Singh took Hardik Kamboj outside the house of the complainant Navdeep Singh @ Roger Sandhu where he lodged the hand grenade towards the balcony of the residential house, however, the hand grenade did not explode.

4. Counsel for the appellant seeks bail on the ground that the appellant has been arraigned as an accused based on the disclosure statement of co-accused.

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5. State counsel opposes the bail on the grounds that the appellant along with co-accused collected a polybag containing three pistols and five magazines from Rahul Basra and he along with co-accused Amritpreet Singh delivered the hand grenade and pistol to Hardik Kamboj and in the opinion of the State, it is not a case where bail should be granted.

6. An analysis of the above arguments would lead to the following outcome.

7. It shall be appropriate to refer to the facts of the case from the reply filed by State counsel which reads as follows:

> "*3. That it is respectfully submitted that in compliance to the Order dated 13.11.2025 passed by this Hon'ble High Court, the deponent has discussed the matter with the SHO of Police Station Maqsudan and perused the record. The factual matrix of the case is that on 5.03.2025 complainant Sh. Navdeep Singh @ Roger Sandhu son of Gurdeep Singh, resident of village Raipur Rasulpur, Police Station Maqsudan, District Jalandhar (Rural) made a statement to S.I. Balbir Singh, SHO, PS: Maqsudan on allegations that he is engaged as a YouTube Blogger and has established an online identity under the name "Roger Sandhu." He has set up a recording studio within his residential premises. He further stated that he produces and broadcasts content on YouTube.com, including roasting. He is currently residing in the village Raipur Rasulpur, which is the native village of his in-laws. He has been living there for the past 3-4 years and has constructed his own residential house. On the intervening night of 15/16.03.2025, he retired to bed after taking his evening meal. The following morning, upon proceeding to the balcony as per his usual routine, he observed a rounded metallic object lying therein. Feeling threatened by its unexplained presence, he immediately contacted Police Station Maqsudan to report the incident. He has alleged that the aforementioned act was committed by one Shahzad Bhatti, who maintains a social media account under the name "Shehzad Bhatti." It is stated that Shahzad Bhatti had previously approached him with a proposal to participate in a live-streamed match, with the intent of increasing viewer engagement and receiving digital gifts. Upon his refusal to participate, Shahzad Bhatti purportedly began engaging in acts of digital extortion. Subsequently, Shahzad Bhatti allegedly initiated a campaign of false accusations against him and his associates, including claims of propagating content offensive to Islam. It is further alleged that Shahzad Bhatti issued threats to his life and that of his family. He has specifically named Shahzad Bhatti as the individual responsible for placing or throwing the aforementioned rounded metallic object at his residence, with the intent to intimidate and cause fear to him and his family members. On the basis of above information, an FIR was lodged at PS: Maqsudan, for offences under Section 109 BNS, Sections 3, 4,5 of the Explosive Substance Act, 1908 against Shahzad Bhatti Youtuber Blogger.*
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> *4. That a Bomb Disposal Team was called at the spot which neutralized a foreign made live Hand Grenade. Vide DDR no.13 dated 17.03.2025 was recorded and besides Section 61(2) BNS, Sections 13, 17 of Unlawful Activities (Prevention) Act, 1967 (UAPA) were added.*
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> *5. That the Investigation was launched. The Special Investigation Team (SIT) was constituted under the SP(D), Jalandhar. During the*

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course of investigation, it was found that the WhatsApp group operated by the accused Shahzad Bhatti, was linked to mobile number +92-300041533. Within this group, fifteen mobile numbers were identified as belonging to Indian nationals. Among these, mobile number 80591-16610 was flagged as suspicious. Based on a confidential input,' one individual, namely appellant/accused Hardik Kamboj, was identified as an accused in the present matter. Accordingly, he was nominated as accused vide DDR No. 26, dated 17.03.2025, and Hardik Kamboj son of Jatinder Kamboj, resident of village Beeta, PS: Bilaspur, District Jamna Nagar, State of Haryana was arrested on the same day. The above mobile number was found to be used by said Hardik Kamboj."

8. It is also appropriate to refer to para no. 15 of the reply which reads as follows:

"(*A) EVIDENCE BASED ON WHICH THE APPELLANT WAS ARRAIGNED AS AN ACCUSED:*

i. The appellant Dheeraj Kumar was nominated as accused in the present case based on the disclosure statement of accused Amritpreet Singh @ Amrit. Accused Amritpreet Singh was arrested on 18.03.2025 and he disclosed that on 08.03.2025, Amritpreet Singh @ Amrit met the appellant Dheeraj Kumar at Wadala Chowk, Jalandhar, and conveyed, Gaurav Gill's instruction to collect three pistols and five magazines from Rohit Basra, resident of Jandu Singha. The appellant Dheeraj Kumar transported Amritpreet Singh @ Amrit on his motorcycle to Y-point, Jandu Singha, Distt Jalandhar, where Rohit Basra delivered them three pistols and five magazines in a polythene bag.

ii. As per further directions from Gaurav Gill, Dheeraj Kumar appellant and Amritpreet Singh @ Amrit proceeded to Phagwara. Dheeraj Kumar stood on overbridge having in his possession the polybag containing the above pistols and magazines, waiting for Amritpreet Singh @ Amrit, who went inside the bus terminal, Phagwara, and received a kitbag containing one hand grenade from Karan @ Kaptaan and Vansh Sharma @ Naveen Sharma. Both bags, were taken from Phagwara by Amritpreet Singh @ Amrit and Dheeraj Kumar to the residence of appellant Dheeraj Kumar, from where Amritpreet transported them to his friend Lachhmi's house. Subsequently, he returned the polythene bag having pistols and magazines to appellant Dheeraj Kumar and left the kitbag containing hand grenade at Lachhmi's residence.

iii. On 14.03.2025, Amritpreet Singh and appellant Dheeraj Kumar met accused Hardik Kamboj at Hotel Vivek International, Jalandhar, and they delivered to him one pistol and the hand grenade.

iv. On 15.03.2025, Amritpreet Singh conducted reconnaissance of complainant Navdeep Singh @ Roger Sandhu's residence. On the intervening night of 15/16.03.2025, he took Hardik Kamboj to the site, where Kamboj lobbed the grenade into the balcony, which failed to explode. Amritpreet then dropped Kamboj at Hotel Navkaran Residency, Urban Estate-Phase-I, Jalandhar.

v. Pursuant to disclosure statement of Amritpreet Singh, three individuals, viz., the appellant Dheeraj Kumar, Santosh Kumar @Pandey, and Ms. Lachhmi were named as co-accused and arrested on 18.03.2025.

(B) THE EVIDENCE COLLECTED AGAINST THE APPELLANT DURING INVESTIGATION:

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On 21.03.2025, Dheeraj Kumar made a disclosure statement corroborating the account of disclosure statement suffered by his co-accused Amritpreet Singh @ Amrit. The pistols collected by appellant Dheeraj Kumar and Amritpreet Singh @ Amrit, have been recovered from accused Amritpreet Singh @ Amrit, Hardik Kamboj and Maninder Singh @ Bobby.

(B) THE ROLE OF THE APPELLANT:

i. On 08.03.2025 appellant Dheeraj Kumar with his co-accused Amritpreet Singh @ Amrit went to the area of Jandu Singha, District Jalandhar on the asking of their co-accused Gaurav Gill and they collected a polybag containing three pistols and five magazines from Rahul Basra and another. From there, appellant Dheeraj Kumar and Amritpreet Singh @ Amrit, on the asking of their co-accused Gaurav Gill went to Phagwara and collected a kitbag having hand grenade. They brought the said firearms and explosive to the house of appellant Dheeraj Kumar.

ii. On 14.03.2025 the appellant Dheeraj Kumar and Amritpreet Singh @ Amrit delivered the hand grenade and a pistol to Hardik Kamboj and on the intervening night of 15/16.03.2025 the same hand grenade was thrown into the residential house of complainant by Hardik Kamboj."

9. A perusal of the impugned order vide which bail was rejected does not suffer from any infirmity and calls for no interference.

10. Regarding bail on the grounds of custody, a perusal of the custody certificate points out that the appellant's custody in the present case is around 11 months. Under no circumstances, the appellant is entitled to bail even on custody.

11. In UOI Rep. by Insp. of NIA v. Barakathullah, [2024] 5 S.C.R. 1011; 2024 INSC 452, May 22, 2024, the Hon'ble Supreme Court holds,

> [2]. The Central Government in Ministry of Home Affairs, CTCR Division having received a credible information that the office bearers, members and cadres of Popular Front of India (PFI), an extremist Islamic organization have been spreading its extremist ideology across Tamil Nadu, by establishing State Headquarters at Purasaiwakkam, Chennai and also offices in various districts of Tamil Nadu and that through their frontal Organizations like Campus Front of India, National Women's Front, Social Democratic Party of India etc., they conspire for committing terrorist acts, raise funds for committing terrorist activities and recruit members for furthering their extremist ideology, and that the frontal organizations and PFI were involved in the recruitment of members to various prescribed terrorist organizations, passed an order on 16th September 2022, in exercise of the powers conferred under sub-section (5) of Section 6 read with Section 8 of the National Investigation Agency Act, 2008 (hereinafter referred to as the 'NIA Act'), directing the National Investigation Agency to take up investigation of the said case. In view of the said order, an FIR being RC-42/2022/NIA/DLI came to be registered on 19.09.2022 against the present respondents and other members and office bearers of PFI for the offences under Section 120(b), 153(A), 153(AA) of IPC and Section 13,17,18,18(B), 38 and 39 of the

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> Unlawful Activities (Prevention) Act, 1957 (hereinafter referred to as the "UAPA").
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> [22]. In the instant case, we are satisfied from the chargesheet as also the other material/documents relied upon by the appellant that there are reasonable grounds for believing that the accusations against the respondents are prima facie true and that the mandate contained in the proviso to Section 43(D)(5) would be applicable for not releasing the respondents on bail. Having regard to the seriousness and gravity of the alleged offences, previous criminal history of the respondents as mentioned in the charge-sheet, the period of custody undergone by the respondents being hardly one and half years, the severity of punishment prescribed for the alleged offences and prima facie material collected during the course of investigation, the impugned order passed by the High Court cannot be sustained. We are conscious of the legal position that we should be slow in interfering with the order when the bail has been granted by the High Court, however it is equally well settled that if such order of granting bail is found to be illegal and perverse, it must be set aside.

12. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

13. **Appeal stands dismissed**. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

(SUKHVINDER KAUR)
JUDGE

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Whether speaking/reasoned	YES
Whether reportable	**NO**

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