

**THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-10358-2021 (O&M)

Date of decision: 15.07.2021

Sanju Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Vaneet Soni, Advocate for the petitioner.

Mr. J.S. Ghuman, DAG, Punjab.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

Custody certificate filed by State counsel be taken on record.

This petition for regular bail has been filed by petitioner Sanju Kumar, an accused in FIR No.0018 dated 19.12.2020, for offences under Sections 13, 17, 18, 18-B, 20 of the Unlawful Activities (Prevention) Act and Section 25 of the Arms Act, registered with Police Station State Special Operations Cell, Amritsar, District Intelligence Wing (CID).

Briefly stated the prosecution story is that, Sarabjit Singh @ Kirat, Amandeep Singh @ Bhinder and Gurdip Singh @ Baggi active members of terrorist organization, namely, Khalistan Zindabad Force banned by the Government had been conspiring to commit terrorist activities in the State of Punjab; such persons had been maintaining

contact with foreign based terrorists, getting money and weapons therefrom; formal FIR in that regard was recorded; the terrorists named therein were arrested on 19.12.2020 and arms and ammunitions were recovered from them; accused Sarabjit Singh @ Kirat, Amandeep Singh @ Bhinder and Gurdip Singh @ Baggi were interrogated; during the course of interrogation, Sarabjit Singh @ Kirat named the present petitioner Sanju Kumar, a resident of Shivdangsinghpur Behror, District Alwar, Rajasthan as one of his associates in the terrorist activities; after being nominated in this case in the statement of Sarabjit Singh @ Kirat on 24.12.2020, he was arrested in this case on 26.01.2021; on completion of investigation and other formalities, the challan has been filed against the accused in the Court and now it is fixed for 30.07.2021 for the purpose of framing of charge.

Petitioner had filed a petition for regular bail before the Court of Sessions at Amritsar. That application was assigned to Addl. Sessions Judge, Amritsar, who vide order dated 22.02.2021, dismissed, the same. As such, he has approached this Court craving for grant of similar relief, by way of filing the present petition, which is being resisted by the State counsel.

I have heard learned counsel for the parties besides going through the record.

The petitioner is not named in the FIR and he was nominated on the basis of statement of co-accused Sarabjit Singh @ Kirat, which he made before the police authorities on 24.12.2020 during the course of interrogation. When the accused was arrested, no weapon or ammunition

or for that matter any other incriminating article was recovered from his possession, which might have pointed out towards his involvement in the terrorist/unlawful activities.

On being asked pointedly, learned State counsel, on instructions from ASI Vaid Singh has stated that the petitioner does not have any past police record.

The trial is at initial stage. The guilt of the accused shall be determined during the trial. The conclusion of trial is likely to take considerable time, more so, when functioning of the Courts had been adversely affected on account of outbreak of COVID-19. Thus, without going into merits of the case further, I find it a fit case to grant benefit of regular bail to the petitioner. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of trial Court/CJM/Duty Magistrate, Amritsar, subject to the following conditions:-

- (i) he shall appear in the Court on each and every date of hearing;
- (ii) he shall not give any threat or intimidation to the prosecution witnesses;
- (iii) he shall not indulge in any criminal activity;
- (iv) he shall not leave India without prior permission of the Court and shall surrender his passport, if he has got one, otherwise to furnish affidavit in that regard;

It is directed that the Magistrate accepting the bonds shall call for furnishing of some local surety having documentary proof of immovable property within the local jurisdiction of the Court and

endorsement be got made on the original document with regard to having said person stood surety for the petitioner and copy of that document be got attached with the bonds. This is necessary to ensure that the petitioner who is a resident of Alwar, Rajasthan does not abscond and appears in the trial Court regularly.

In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

15.07.2021

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No