

In the High Court of Punjab and Haryana at Chandigarh

237

CRA-D-665-2023 (O&M)
Date of Decision: April 18, 2024

ANANT DEEP SINGH @ SONUPETITIONER

VERSUS

STATE OF PUNJABRESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Nandan Jindal, Advocate and
Mr. Tushar Sabherwal, Advocate for the appellant.

Mr. Harmandeep Singh Sullar, Senior DAG, Punjab.

ANUPINDER SINGH GREWAL, J (ORAL)

The appellant has challenged the order dated 10.05.2023 passed by learned Additional Sessions Judge, SAS Nagar (Mohali) whereby his application for bail has been declined in FIR No.236 dated 09.05.2022, under Sections 307 IPC, Section 16 of the Unlawful Activities (Prevention) Act, 1967 ('UAPA' - for short), Section 3, 6 of Explosive Substance Act, 1908 (Sections 212, 216, 411, 482, 120-B IPC & Sections 16, 18, 18-B, 19, 20, 23 of the UAPA added later on), Section 25/54/59 of the Arms Act, at Police Station Sohana, SAS Nagar.

2. Learned counsel for the appellant submits that the appellant has been arraigned as an accused only because he is the brother-in-law of co-accused Nishan Singh, who is alleged to have provided weapons and shelter to the shooters, who were involved in RPG Attack on the building of Intelligence Wing of the Punjab Police at Sector 26, Mohali. He further submits that the

appellant was also implicated in 03 other cases including one under the UAPA wherein he has been discharged on 13.04.2023. There is no material to indicate his *prima facie* involvement in the instant case except his relationship with co-accused-Nishan Singh. The appellant has been in custody for almost two years.

3. Learned State counsel while referring to the reply submits that the appellant was actively involved in the conspiracy along with co-accused Nishan Singh and was also present in the car when co-accused Nishan Singh had dropped two shooters at the residence of co-accused Baljit Kaur. Co-accused Nishan Singh was instrumental in collecting the weapons which were provided to the shooters, who had launched the attack. The charges have not been framed as yet.

4. Heard.

5. The allegations against the appellant are that he conspired with co-accused Nishan Singh and was instrumental in providing shelter to the shooters, who had launched the attack on the Intelligence Bhawan, Punjab, Sector 76, Mohali. The appellant has been in custody for almost 02 years and no recovery of any incriminating material has been effected from him. He is stated to be in touch with co-accused Nishan Singh, who happens to be his brother-in-law. The appellant is stated to be discharged in one case registered under the UAPA while two other cases i.e. FIR No.34 dated 21.11.2022, u/s 21, 29 NDPS Act, Section 25 of the Arms Act and FIR No.75 dated 08.05.2023, u/s 387/506/120 IPC, Section 67 of the IT Act and Sections 25/54/59 of the Arms Act had been registered after the registration of the instant FIR. It is neither the case of the State nor there is any material to indicate that the appellant was in

touch telephonically with the shooters, who had launched the attack. Co-accused Baljit Kaur, who was alleged to have given shelter to the shooters, has been granted the benefit of bail by this Court in CRA-D-471-2023. It is true that the provisions of UAPA are stringent but at the same time, it is necessary for the Court to carefully scrutinize the material against the accused to justify his further incarceration. The material against the appellant at this stage appears to be wholly insufficient to justify his further incarceration in the instant case especially when the appellant has been in custody for almost 02 years. The charges are yet to be framed and therefore, the conclusion of the trial shall take some time.

6. Consequently, the appeal is allowed and the impugned order dated 10.05.2023 is set aside. The appellant shall be released on bail subject to his furnishing requisite bonds to the satisfaction of the concerned Chief Judicial Magistrate/Duty Magistrate.

7. At the time of release of the appellant, the SHO, Police Station Sohana, District SAS Nagar (Mohali) shall be informed and the appellant shall furnish his mobile number to him and keep the location of his phone on.

8. It is clarified that observations made hereinbefore are only for the purpose of deciding the instant appeal at this stage and shall not be construed to be an expression of opinion on the merits of the case.

(ANUPINDER SINGH GREWAL)
JUDGE

(KIRTI SINGH)
JUDGE

April 18, 2024
A.Kaundal

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