

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRA-D-1574-2024

Sanjay @ Fauji Appellant

versus

State of Haryana Respondent

1.	The date when the judgment is reserved	10.11.2025
2.	The date when the judgment is pronounced	17.11.2025
3.	The date when the judgment is uploaded on the website	18.11.2025
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MS. JUSTICE LAPITA BANERJI

Present : Mr. Vinod Ghai, Senior Advocate, with
Mr. Arjun Sheoran, Advocate,
Mr. Manish Boora, Advocate
Mr. Tejasvi Sheokan, Advocate
Mr. Arnav Ghai, Advocate
Mr. Rohan Gupta, Advocate
Mr. Chand Rathi, Advocate
Mr. Sachin, Advocate
for the appellant.

Mr. P.P. Chahar, Sr. D.A.G., Haryana.

DEEPAK SIBAL, J.

1. Through the instant appeal the appellant challenges the order dated 06.11.2024, passed by the Additional Sessions Judge, Hisar (for short, the Trial Court) declining regular bail to the appellant in FIR No.428 dated 18.11.2014, registered at Police Station Barwala, District Hisar, under Sections 147, 148, 114, 149, 186, 120-B, 188, 121, 121A,



122, 123, 224, 225, 307, 326A, 332, 333, 342, 353, 435 IPC, Section 25, 27, 30, 54 & 59 of the Indian Arms Act, 1959, Sections 16, 18, 20, 22C and 23 of the Unlawful Activities (Prevention) Act, 1967 (for short, the UAPA), Sections 3 and 4 of the Explosive Substances Act, 1908 (for short – the Explosive Act) and Section 3 and 4 of Prevention of Damage to Public Property Act, 1984 (for short - the FIR in question).

2. Briefly stated, the case of the prosecution is that on 18.11.2014, to execute the warrants of arrest issued by this Court to arrest Baba Rampal, Inspector Anil Kumar was present at a distance of about 400 meters from Satlok Ashram, Barwala (for short – the Ashram) and briefing his accompanying colleagues; senior police officials were also present over there; when Inspector Anil Kumar, alongwith other police officials, headed towards the Ashram to execute the aforesaid warrants of arrest, Baba Rampal got seated 600-700 women and children outside the gate of the Ashram and deputed 1500-2000 youths, armed with *lathis*, *dandas* and guns, on the roof of the Ashram; Inspector Anil Kumar then read out the warrants of arrest on a loud speaker and requested all present to maintain law and order; at that time, many persons holding plastic cans, filled with diesel/ petrol came outside the Ashram and threatened the police that if Baba Rampal would be arrested, they would sacrifice themselves or kill members of the police; the followers of Baba Rampal were then informed that 144 Cr.P.C. had been imposed and that they should abide by the law; thereafter, alongwith pelting of stones, the police party was fired at; even petrol bombs were thrown at them; the JCB



(crane) which had been brought by the police was set ablaze; the police resorted to tear gas and used water cannons to disburse the crowd; as a result of the afore violence, 111 police personnel were injured out of whom 8 sustained fire arm injuries, one personnel received burn injuries, 17 personnel received grievous injuries and 85 personnel sustained simple injuries. This led to the registration of the FIR in question against Baba Rampal and his followers.

3. Investigations conducted by the police revealed that Baba Rampal, from amongst lakhs of his followers, was maintaining a mini army for execution of his illegal acts; the appellant, who was Baba Rampal's son-in-law and an ex-serviceman, used to impart training to the members of the mini army of Baba Rampal; such training was in the use of arms and *lathis/ dandas* etc; these weapons were kept in the Ashram under the close supervision of the appellant and that these weapons were the ones which were used under the supervision of Baba Rampal and the appellant, by the members of the said Baba Rampal's mini army and his other followers to attack the police on 18.11.2014, which resulted in 111 police officials getting injured as also in the torching of government vehicles etc.

THE SUBMISSIONS

4. Learned senior counsel for the appellant submitted that the alleged occurrence took place about 11 years ago; there are a total of 942 accused persons out of whom 940 have been granted bail; out of 942 accused persons 148 are those who face charges under the UAPA and



146 out of them have been granted bail; the appellant stands acquitted in all the other criminal cases that he faced; on 01.08.2025, the Trial Court has ordered the holding of a de novo trial and therefore, the appellant's trial will take a long time to conclude especially when the prosecution has cited as many as 425 witnesses; in the meanwhile, the appellant has undergone over 03 years and 03 months of actual custody; the only allegations against the appellant are based on a disclosure statement of a co-accused in police custody which in the absence of corroboration has no value in law; no recovery whatsoever has been made from the appellant; for over 7 years no attempt was made by the police to arrest the appellant and that the appellant stands acquitted in the FIR lodged against him under Section 174A IPC with regard to his declaration as a proclaimed offender.

5. Per contra, learned State counsel submitted that in this case, Baba Rampal and the appellant are the main accused; being Baba Rampal's son-in-law and an ex-serviceman, the appellant used to train Baba Rampal's followers how to use weapons; when the police officials, to execute the orders of this Court to arrest Baba Rampal, attempted to enter Baba Rampal's Aashram, it is the appellant who orchestrated firing and throwing of petrol bombs on the police party resulting in 111 police officials getting injured; for 7 ½ years the appellant absconded and evaded arrest; the appellant was acquitted in the FIR lodged against him for having been declared a proclaimed offender only on technical grounds as such FIR was based on a police report and not a complaint;



material witnesses are yet to be examined in appellant's trial and that he being a person of influence does not deserve to be granted bail at least before such witnesses are fully examined.

6. Learned counsel for the parties have been heard and with their able assistance the record of the case has also been examined.

DISCUSSION AND CONCLUSION

7. At the outset it would be apposite to refer to Section 43-D of the UAPA. The same reads as follows:-

“43D. Modified application of certain provisions of the Code.—

(1) Notwithstanding anything contained in the Code or any other law, every offence punishable under this Act shall be deemed to be a cognizable offence within the meaning of clause (c) of section 2 of the Code, and “cognizable case” as defined in that clause shall be construed accordingly.

(2) Section 167 of the Code shall apply in relation to a case involving an offence punishable under this Act subject to the modification that in sub-section (2),-

(a) the references to “fifteen days”, “ninety days” and “sixty days”, wherever they occur, shall be construed as references to “thirty days”, “ninety days” and “ninety days” respectively; and

(b) after the proviso, the following provisos shall be inserted, namely:-

“Provided further that if it is not possible to complete the investigation within the said period of ninety days, the Court may if it is satisfied with the report of the Public Prosecutor indicating the progress of the investigation and the specific reasons for the detention of the accused beyond the said period of ninety days, extend the said period up to one hundred and eighty days:

Provided also that if the police officer making the investigation under this Act, requests, for the purposes of investigation, for police custody from judicial custody of any person in judicial custody, he shall file an affidavit stating the reasons for doing so and shall also explain the delay, if any, for requesting such police custody.

(3) Section 268 of the Code shall apply in relation to a case involving an offence punishable under this Act subject to the modification that-

(a) the reference in sub-section (1) thereof-



- (i) to “the State Government” shall be construed as a reference to “the Central Government or the State Government.”;
- (ii) to “order of the State Government” shall be construed as a reference to “order of the Central Government or the State Government, as the case may be”; and
- (b) the reference in sub-section (2) thereof, to “the State Government” shall be construed as a reference to “the Central Government or the State Government, as the case may be”.
- (4) Nothing in section 438 of the Code shall apply in relation to any case involving the arrest of any person accused of having committed an offence punishable under this Act.
- (5) Notwithstanding anything contained in the Code, no person accused of an offence punishable under Chapters IV and VI of this Act shall, if in custody, be released on bail or on his own bond unless the Public Prosecutor has been given an opportunity of being heard on the application for such release:
Provided that such accused person shall not be released on bail or on his own bond if the Court, on a perusal of the case diary or the report made under section 173 of the Code is of the opinion that there are reasonable grounds for believing that the accusation against such person is prima facie true.
- (6) The restrictions on granting of bail specified in sub-section (5) is in addition to the restrictions under the Code or any other law for the time being in force on granting of bail.
- (7) Notwithstanding anything contained in sub-sections (5) and (6), no bail shall be granted to a person accused of an offence punishable under this Act, if he is not an Indian citizen and has entered the country unauthorisedly or illegally except in very exceptional circumstances and for reasons to be recorded in writing.”

8. As per Section 43-D (5) of the UAPA, no person accused of an offence punishable under Chapter IV and VI of the UAPA shall, if in custody, be released on bail unless the public prosecutor has been given an opportunity of being heard on the application made by him for such release and if the Court, on perusing the case diary or the report filed under Section 173 Cr.P.C. is of the opinion that there are reasonable



grounds for believing that the accusations against such person are *prima facie* proved. Section 43-D (6) further stipulates that restrictions for the grant of bail specified in Section 43-D (5) would be in addition to the restrictions provided under the Cr.P.C. or any other law for the time being in force on granting of bail.

9. The appellant is facing trial for sedition and under several provisions of the UAPA. There are serious allegations against him of having imparted military training to the members of the mini army being maintained by the appellant's father-in-law - Baba Rampal and that it the appellant who orchestrated the attack on a police party and other government officials who were attempting to enter Baba Rampal's Ashram to execute Baba Rampal's warrants of arrest issued by this Court which attack resulted in 111 police officials getting injured, which injuries included fire arm and burn injuries.

10. The record further reveals that the appellant was nominated as an accused in the year 2014 but for about 7 ½ years he absconded and evaded arrest. On 22.01.2016 he was declared a proclaimed offender and an FIR under Section 174A IPC was also registered against him. It is true that through order of the Trial Court dated 28.11.2023, the appellant was acquitted in the said FIR but a careful reading of the order of the Trial Court reveals that the appellant's acquittal was only on account of non-compliance of procedure under Section 195 Cr.P.C. The fact remains that for about 7 ½ years, inspite of best efforts by the police, the appellant absconded and evaded his arrest. Thus, he was influential



enough to hoodwink the law and that too for such a long period and this is inspite of the fact that he was alleged to have supervised an attack on police officials who were desperately looking out for him.

11. 49 material witnesses, including doctors, Tehsildars etc., are yet to be examined in the appellant's trial. The appellant is the son-in-law of the other main accused-Baba Rampal, who has lakhs of followers in the State of Haryana. Therefore, it cannot be ruled out that these witnesses could easily be influenced by the appellant which could result in alteration of the course of the appellant's trial in his favour.

12. In the light of the above, the appellant's case is found to be distinct from that of his co-accused who have been granted regular bail and therefore, at this stage, we are not inclined to grant regular bail to the appellant.

13. Keeping in view the appellant's period of incarceration, the State is directed to produce all its material witnesses within 04 months from the date next fixed in the appellant's trial after which, the appellant is granted liberty to renew his prayer for the grant of regular bail.

14. The appeal is dismissed in the above terms.

(DEEPAK SIBAL)
JUDGE

(LAPITA BANERJI)
JUDGE

17.11.2025
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