

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-D-149-2026

JUDGEMENT RESERVED ON	JUDGEMENT PRONOUNCED ON	OPERATIVE PART PRONOUNCED OR FULL	UPLOADED ON
30.03.2026	21.04.2026	FULL PRONOUNCED	21.04.2026

Sandeep Kumar ...Appellant

Versus

State of U.T. Chandigarh ...Respondent

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

Present: Mr. Harlove Singh Rajput, Advocate
for the appellant.

Mr. Prateek Rathee, Addl. PP, U.T. Chandigarh.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Section
128	26.11.2024	Sector 26, Chandigarh	61(2), 319(2), 336(3), 340(2), 111, 113 BNS and Sections 3 & 4 of Explosive Substance Act and Sections 17, 18, 18B & 20 of UAPA Act

Criminal Case number before the Sessions Court	CNR No. CHCH01-007675-2025
Date of Decision	02.01.2026

1. Aggrieved by the dismissal of regular bail by the Additional Sessions Judge, Chandigarh, vide order dated 02.01.2026, the appellant had come before this Court by filing the present appeal under Section 21 of National Investigation Agency Act 2008, seeking bail in the FIR captioned above.
2. The facts of the case are being taken from the reply dated 17th March 2026 filed by Additional Public Prosecutor UT Chandigarh. The case of the prosecution is that on 26th November 2024, during the night at around 3:15 AM, two explosions were heard in Sector 26, Chandigarh, based on which, the FIR was registered under Explosive Substances Act 1908. Later on the investigation led to the arrest of Ajit, Vinay, Sahil, Sandeep Kumar and Deepak Singh @ Kanda Barar. The investigation of these people pointed towards the

involvement of Satwinder Singh @ Satinder Singh @ Goldy Brar and Rohit Godara @ Ram Das Kumar, who have been designated as terrorists in the 4th schedule of the UAPA Act 1967. They were declared proclaimed offenders and the prosecution report was filed against the accused who were arrested. The evidence against the appellant is mentioned in paragraph number 7, 8 & 11 of the reply which reads as follows:-

“7. That during the course of investigation, on 06.12.2024, accused Ajit S/o Sunder Singh, R/o Village Khara Alipur, District Hisar, Haryana and Vinay S/o Ved Parkash, R/o Village Deva, District Hisar, Haryana were arrested on production warrants. In their respective disclosure statements, they stated that another accused, namely Sahil Petwar, a resident of Hisar, Haryana, who was known to them, had introduced them to one Randeep Malik situated in USA, through the Signal App approximately one month prior to the incident. They further disclosed that Randeep Malik instructed them to bomb blasts in Chandigarh. Acting upon his instructions, they threw two bombs at two clubs located in Sector 26, Chandigarh. During course of investigation chats between accused Vinay and Randeep Malik USA) was found on the Signal App regarding offences committed in the present case.

8. That the accused Ajit and Vinay also disclosed that one Sandeep Kumar (present appellant), who was known to them, had dropped them at Karnal in his car prior to the incident. On 08.12.2024, a motorcycle bearing registration No. Splendour PB04Z4090, on which a fake number plate PB04AF3481 had been affixed and which was used in the commission of the crime, was recovered pursuant to the disclosure statements of accused Ajit and Vinay. CCTV footage from the toll plaza through which the accused had passed and CCTV footage from a hotel in Karnal, where they had stayed, were also taken into police possession. In the said footage, the applicant/accused Sandeep Kumar can be seen in the company of co accused Ajit and Vinay.

11. Moreover, the investigation has also revealed the motive behind the commission of the said crime. It has come to light that the act was carried out at the behest of accused Goldy Brar with the intention of extorting money and demanding ransom from the owner(victim) the club, and he had called the owner(victim) the club and threatened him as well.”

3. Learned submits that charge sheet stands filed and now there is no reasons of influencing the witnesses of the investigation, as such there is no purpose of detaining the appellant in the present case.

4. Counsel for State opposes the bail on the above said ground for the reason that if the bail is granted on this ground, then in every heinous offense an accused would have a right to bail.

5. An analysis of the above lead to the outcome that certainly in petty offenses or where the sentence prescribed is less completion of the investigation is one of the factors to grant bail. However in serious offenses including the offenses where UAPA is involved, if the Court start granting bail simply because the investigation is complete and after completion of the investigation, investigator cannot be influenced, cannot be a valid ground for the reason that it would entitle for bail to every accused irrespective of the heinous nature of the offense or the gravity of the offense. As such in the present case, the offense is serious, the allegations are of extortion and to extort the money, bomb blast were carried out to create fear amongst the persons from whom the extortion had to take place. As such the offense falls in a serious category and on this ground, appellants cannot be granted bail.

6. The appellant's second ground is that charges are yet to be framed and it is the case is being delayed. In the present case, the custody is not prolonged to grant bail to the appellant on the grounds of delayed trial, as such he is not entitled for bail even on this ground. The appellant's next round is that grounds of arrest were not supplied to him as mandated by Hon'ble Supreme Court which violates Article 21 and 22(1) (2) of the Constitution of India and Arrest Memo dated 22nd February 2025, which was prepared by the investigation agency (Annexure P-6). Its perusal reveals that the grounds of arrest were not informed to the appellant and as such he is entitled to be released on the violation of Article 21 & 22 of the Constitution of India. The counsel for the State has opposed the bail on this ground by submitting that the grounds were duly communicated and now the appellant is taking up this plea at the belated stage. A perusal of Arrest Memo-Exhibit P6 clearly points out the grounds of arrest. The reasons of the grounds of the arrest have been mentioned that to prevent the accused person from causing the evidence of the offense to disappear or tampering and to prevent such accused from making any inducement threat or promise to any person acquaintance with the facts of the case. Thus the grounds of arrest need not be the reproduction of FIR but the justification of the investigator to arrest which has been properly given considering the serious nature of offense as such this is not a ground for bail.

7. It shall be appropriate to refer to role of the appellant, which is mentioned in the reply filed by the State and the same reads as under:-

"14. That on 22.02.2025, the appellant was arrested in the present case, as he had facilitated the co-accused Vinay and Ajit before and after the commission of the crime by providing and using his vehicle. During investigation, the disclosure statement of the applicant/accused Sandeep Kumar was recorded, wherein he disclosed that he had stayed with co-

accused Ajit and Vinay at a hotel in Karnal, Haryana, during the period when explosive substances were being procured prior to the commission of the crime. He further disclosed that he had used his vehicle bearing registration No. HR20AM3438 (Hyundai i20) and had also picked up co-accused Ajit and Vinay from Village Bahbalpur near Baddopatti Toll Plaza, Hisar, in the said vehicle. The said vehicle bearing registration No. HR20AM3438 (Hyundai i20) was recovered from the possession of the appellant. The vehicle was found to be registered in the name of the appellant and the same was taken into possession in the present case.

15. That at the time of arrest of accused Sandeep Kumar, the reasons and grounds of arrest were duly communicated to him and the arrest memo was prepared in accordance with the prescribed procedure. Thereafter, intimation of the arrest was given to his friend, namely Ramesh, resident of Hisar. The same can be observed by a bare perusal of the Arrest Memo dated 22.02.2025 annexed with the present appeal (Annexure P-6).

16. That it has also come on record that the applicant/accused Sandeep Kumar is visible in a video captured by co-accused Vinay Kumar at the time of handing over the explosive substance. The said video was retrieved by CFSL from the mobile phone of accused Vinay Kumar. From the analysis of the said video and photographs retrieved from the mobile phone of accused Vinay Kumar, it is evident that the appellant was not only well aware of the activities of co-accused Vinay and Ajit but was also an active participant in the entire incident. He knowingly facilitated the terrorist activities and, therefore, cannot feign ignorance of the same. Copy of disclosure statement of the appellant is appended herewith as Annexure R-4 for the kind perusal of this Hon'ble Court. Charge sheet against the appellant was prepared on 25.02.2025 and same was presented before the Hon'ble trial court (Annexure P-3). Copy of supplementary challan/final police report is appended herewith as Annexure R-5 for the kind perusal of this Hon'ble Court."

8. 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 Unlawful Activities (Prevention) Act, 1957 (hereinafter referred to as the “UAPA”).

[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.

9. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments. No ground is made out to interfere with the order passed by the trial Court and the same is upheld.
10. Appeal dismissed. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

(SUKHVINDER KAUR)
JUDGE

21.04.2026
Anju rani

Whether speaking/reasoned	YES
Whether reportable	NO