



**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRA-D-430-2025 (O&M)
Date of Decision:-12.3.2026

Ramesh @ Fauji ... Appellant

Versus

State of Punjab ... Respondent

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present:- Mr. Vishavjeet Singh Rishi, Advocate and
Ms. Divya Sharma, Advocate for the appellant.

Mr. Adeshwar Singh Pannu, AAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. The appellant assails order dated 28.2.2025 passed by learned Additional Sessions Judge, Ludhiana vide which his application seeking grant of bail has been declined in a case arising out of FIR No.192, dated 5.12.2022 registered at Police Station City-1, Khanna, District Ludhiana, under Section 25 of Arms Act and Sections 386, 384, 506, 473, 120-B of Indian Penal Code, wherein offences under Sections 17, 18, 19 of Unlawful Activities (Prevention) Act, 1967 were added later on.
2. The allegations, in nutshell, are that on 5.12.2022 when ASI Harwinder Singh alongwith other police officials was present in the area of G.T. Road, Khanna in connection with patrolling, then at about 05:00 P.M. two persons with shorn hair were seen coming on foot, who upon noticing the police party tried



to turn towards the road leading to Markfed. On the basis of suspicion, they were apprehended by the police. Upon inquiry, they disclosed their names as Mohinder Verma @ D.K. and Ramesh. The search of Mohinder Verma @ D.K. led to recovery of a country made .32 bore pistol alongwith 8 live cartridges. The search of Ramesh led to recovery of a country made .315 bore pistol alongwith 2 live cartridges. None of the accused could furnish any explanation with regard to possession of the aforesaid weapons.

3. It is the case of prosecution that during the course of interrogation on 18.12.2022 the aforesaid accused nominated one Harsimranjit Singh @ Simma as their co-accused. The said Harsimranjit Singh @ Simma came to be arrested and was interrogated during the course of which he nominated two more persons as accused i.e. Shamsher Singh @ Shera and Charles @ Sabhi (appellant). It is further the case of prosecution that upon arrest of Charles @ Sabhi, he was found to be in possession of 2 live cartridges of .32 bore pistol and later he got recovered another 9 cartridges from a plot adjoining Golden White Resort, Batala. It is further the case of prosecution that during the course of investigation, it surfaced that an amount of Rs.41,602/- was credited in his bank account having been transferred by another co-accused Amritpal Singh @ Amrit Ball.
4. Learned counsel for the appellant submits that the appellant has been falsely implicated in the present case and that even if the allegations of recovery of a countrymade pistol and two live cartridges from the appellant are taken to be correct, still at best it is an offence under Arms Act, which would be attracted and there is no substantive evidence to attract any offence under Unlawful Activities (Prevention) Act, which infact was added after about a month from



the date of occurrence and that too on the premises that some other co-accused, who had been arrested pursuant to a string of disclosure statements, had got effected a recovery of letterhead of “Babbar Khalsa”.

5. Learned counsel for the appellant submitted that since a large number of co-accused i.e. numbering about 8 have already been granted the concession of bail, the present appellant also deserves the same concession on grounds of parity. It has further been submitted that the right of speedy trial is being defeated inasmuch out of cited 62 PWs examination-in-chief of only 2 PWs have been recorded so far.
6. Opposing the appeal, learned State counsel submitted that it is a case where two persons were apprehended at the spot and from whom firearms were recovered and that the present appellant is one of those two persons. It has been submitted that the appellant cannot claim any parity on account of grant of bail to the other accused as all the other accused, who have been granted bail, had not been arrested at the spot, but came to be arrested subsequently pursuant to disclosure statements made by co-accused. It has further been submitted that the appellant stands involved in 2 other cases and as such, he does not deserve the concession of bail. Learned State counsel, however, could not dispute the fact that as on date only 2 PWs out of the cited 62 PWs have been partly examined.
7. We have considered rival submissions addressed before this Court.
8. While it is correct that the appellant was apprehended at the spot and a recovery of countrymade pistol and two live cartridges were effected from him, but we find that addition of an offence under Unlawful Activities



(Prevention) Act may be debatable inasmuch it is a case where the police claims that pursuant to arrest of one co-accused based on disclosure statement, a letterhead of “Babbar Khalsa” was recovered from a co-accused namely Harsimranjit Singh @ Simma. We further find that although the appellant is stated to be involved in two other cases i.e. in FIR No.69, dated 2.5.2021 registered at Police Station City Khanna, under Section 25 of Arms Act and FIR No.247, dated 20.12.2022 registered at Police Station Naggal, under Sections 506, 120-B of Indian Penal Code and Sections 25/29 of Arms Act, the details of which have been mentioned in the custody certificate, but learned counsel for the appellant has today passed on a copy of order dated 30.3.2024 passed by learned Judicial Magistrate 1st Class, Khanna, wherein upon an application having been filed by the State for discharge of accused namely Mahinder Verma @ DK and Ramesh (present appellant), both the said persons, who are also involved in the present case, were got discharged.

9. As far as the other FIR is concerned i.e. FIR No.247, dated 20.12.2022, we find that the said FIR infact came to be lodged subsequent to lodging of the present FIR when the appellant was already in custody. We find that although the appellant has been behind bars since the last about 3 years and charges were framed in August, 2025, but only 2 PWs out of the cited 62 PWs have been partly examined.
10. Having regard to the aforestated facts and circumstances, we find that it is a fit case where the appellant deserves the concession of regular bail. The instant appeal, as such, is accepted and order dated 28.2.2025 passed by learned Additional Sessions Judge, Ludhiana is set aside. The appellant is ordered to be released on regular bail on his furnishing bail bonds/surety



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bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(GURVINDER SINGH GILL)
JUDGE

12.3.2026
Pankaj

(DEEPAK MANCHANDA)
JUDGE

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