

CRA-D-610-2026 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-D-610-2026 (O&M)

JUDGEMENT RESERVED ON	JUDGEMENT PRONOUNCED ON	OPERATIVE PART PRONOUNCED OR FULL	UPLOADED ON
20.05.2026	29.05.2026	FULL PRONOUNCED	29.05.2026

Murseed Khan @ Mursaleem ...Appellant

Versus

State of Haryana ...Respondent

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

Present: Mr. Sarfraj Hussain, Advocate
for the appellant.

Mr. Shiva Khurmi, D.A.G., Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Section
401	01.08.2023	Sadar Nuh	148, 149, 324, 307, 302 IPC, 25 of Arms Act and 13(1)a, 13(1)b, 15(1)a, 15(1)b and 16 of UAPA

Bail Application number before the Sessions Court	BA/976/2026 CNR No. HRNU01002994-2026
Date of Decision	02.04.2026

1. Aggrieved by the dismissal of regular bail by the Sessions Judge, Nuh vide order dated 02.04.2026, the appellant had come up before this Court by filing the present appeal under Section 21(4) of the National Investigation Agency Act, 2008.
2. Per custody certificate dated 18.05.2026, the appellant has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	408	10.08.2023	148, 149, 427, 395, 397 IPC and 25-54-59 of Arms Act	Sadar Nuh
2.	399	01.08.2023	147, 148, 149, 153-A, 186, 188, 295-A, 307, 323, 332, 353, 395, 397, 427, 452 IPC, 25/54/59 of Arms Act	Nuh

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3.	398	01.08.2023	148, 149, 186, 188, 201, 295-A, 307, 332, 353, 395, 397, 427, 435 IPC and 25/54/59 of Arms Act, 4 of PDPP Act	Sadar Nuh
4.	400	01.08.2023	148, 149, 158, 186, 307, 332, 34, 353, 395, 397 IPC and 25-54-59 of Arms Act	Sadar Nuh
5.	407	10.08.2023	148, 149, 323, 341, 395, 427, 506 IPC	Sadar Nuh

3. The appellant's counsel submits that the appellant would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the appellant repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and to which the appellant shall have no objection. Counsel for the appellant further submits that he shall not use his right of speech and expression beyond what is permitted under Article 19 of the Constitution of India.

4. The State's counsel opposes the bail.

5. The facts of the case are being taken from the reply dated May 18, 2026. On July 31, 2023 when the complainant Mahesh and his cousin namely Abhishek had come to Mewat Nuh for offering holy water on the idol of Lord Shiva at Nalhar in District Nuh in a private bus, at that time 3000- 4000 more devotees had also come in buses and other vehicles. The procession was for offering water on the idol of Lord Shiva and it had to start at 1:30 PM, however the people were stopped by the District Administration. At around 5:30 PM, 800 to 900 people started raising slogans of Allah Hu Akbar and came towards the Shiva temple. Further a large number of people started pelting stones on the pilgrims who were staying in the temple. Such people also fired upon the pilgrims from their weapons.

6. The complainant stated that he along with his cousin Abhishek were standing on a site, however at that time, 8-10 young boys of Muslim community addressing each other with names Adil, Arshad, Azruddin, Sakil, Junaid, Javed, Rahul, Ahmed, Soyab, Langda, Altaf, Amin and Inam etc came at the spot. At that time accused Junaid, Altaf, Aamin and Inam were firing towards them with their illegal weapons and in the meantime one bullet struck Abhishek. At that time one accused who had a sword in his hand also inflicted injuries on his cousin's neck. The complainant took shelter by running in a tent. Then the accused also pelted stones on his cousin. The police arrived but those people kept on firing. The injured were taken to the hospital where his cousin Abhishek was declared brought dead.

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7. Counsel for the appellant seeks bail on the grounds that earlier also, he was granted interim bail and he never misused such provision and further his custody in the present case is 02 years, 04 months and 15 days. However, on the contrary, State has opposed the bail on the grounds that even if it was not a case of UAPA, considering the serious nature of allegations, the accused was not entitled for bail.

8. Counsel for the appellant also seeks bail on the grounds of parity with some other accused. On an analysis of the evidence available in the reply and the allegations of the complainant as mentioned in the reply, it transpires that the appellant was made an accused based on the disclosure statement of co-accused Rahul. Consequently, the appellant is entitled for bail on merits.

9. Further as per paragraph no. 21 of the reply, the accused-appellant is a hard core criminal and has number of criminal cases which are still pending. However in paragraph no. 27, list of accused who are on bail in the present case is mentioned. As per this list, there are 35 accused including juveniles and 07 accused who are in custody including the appellant.

10. Counsel for the appellant seeks bail also on the grounds of parity with those who were granted bail. The copies of the bail orders of the co-accused who were granted bail are attached with the appeal. Annexure P-4 is bail application of Altaf who was granted bail by Sessions Judge, Nuh. On perusal of reply dated May 18, 2026, paragraph no. 3 mention Altaf as one of the persons who was named by the complainant but the reasons which were given by the Special Court for granting bail to Altaf are mentioned in paragraph no. 8 of the order dated 21.09.2023 in which a plea of alibi was taken by Altaf. As such, present appellant is not entitled for bail on parity with Altaf for whom the main consideration of granting bail by the Special Court of Session Judge Nuh was plea of alibi.

11. Another reference for parity is bail to Amin and the copy is attached as Annexure P-5. A perusal of paragraph no. 3 of the reply dated May 18, 2026 does indicate that Amin was also mentioned as one of the accused but while granting bail, the trial Court has mentioned in paragraph no. 6 again about plea of alibi and bail was granted on such plea and not on merits. Reference is also made to bail applications of Aadil (CRA-D No. 193 of 2025), Faiyaz Ali (CRA-D No. 8120 of 2025), Mohammad Inam (CRA-D No. 8136 of 2025) and Jakar alias Jakir (CRA-D No. 1033 of 2025) decided by a Co-ordinate Division Bench of this Court on February 17, 2026.

12. In paragraph no. 15 of the above mentioned order, the bail was granted to Aadil, Faiyaz Ali and Mohammad Inam because one co-accused Ayyaz Ali was granted bail by

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another Co-ordinate Bench of this Court and the Division Bench deciding these bail appeals was of the opinion that the case of Aadil, Faiyaz Ali and Mohammad Inam is on parity with Ayyaz Ali. Regarding the accused Jakir, the reasoning is given in paragraph no. 16 in which it is stated that the bullet which was recovered from the dead body of Abhishek matched with the weapon recovered from Jakir @ Jakar and as such Jakar was not entitled for bail. Thus, the Co-ordinate Bench had dismissed the bail of Jakar but had allowed the bail of other three accused namely Aadil, Faiyaz Ali and Mohammad Inam because it was a case on parity with another accused.

13. As far as the present appellant is concerned, as observed by the Co-ordinate Division Bench of this Court, the bullet which was recovered from the dead body of Abhishek was fired from a weapon which was recovered from Jakir @ Jakar and the present appellant has been made an accused based on disclosure statement of co-accused Rahul, as such the appellant is entitled to bail.

14. In Yedala Subba Rao and Anr. v. UOI, 2023-INSC-382, Apr 17, 2023, the Hon'ble Supreme Court holds,

[21]. We have examined material relied upon against the appellants in paragraph 5 of the additional affidavit of the respondent as well as the chargesheet. Taking the material against the appellants as it is and without considering the defence of the appellants, we are unable to form an opinion that there are reasonable grounds for believing that the accusations against the appellants of commission of offence under the UAPA are prime facie true. Hence, the embargo on the grant of bail under proviso to subsection (5) of Section 43D will not apply in this case. We, however, make it clear that the findings recorded in this Judgment are only prima facie observations recorded for the limited purposes of examining the case in the light of the proviso to subsection (5) of Section 43D of the UAPA. The trial shall be conducted uninfluenced by these observations.

15. In Vernon v. State of Maharashtra [2023] 10 S.C.R. 867; 2023 INSC 655, July 28, 2023, the Hon'ble Supreme Court holds,

[43]. In the case of Zahoor Ahmad Shah Watali (supra) [National Investigation Agency -vs- Zahoor Ahmad Shah Watali (2019) 5 SCC 1] reference was made to the judgment of Jayendra Saraswathi Swamigal -vs- State of Tamil Nadu [(2005) 2 SCC 13] in which, citing two earlier decisions of this court in the cases of State -vs- Jagjit Singh (AIR 1962 SC 253) and Gurcharan Singh -vs- State of (UT of Delhi) [(1978) 1 SCC 118], the factors for granting bail under normal circumstances were discussed. It was held that the nature and seriousness of the offences, the character of the evidence, circumstances which are peculiar to the accused, a reasonable possibility of the presence of the accused not being

secured at the trial; reasonable apprehension of witnesses being tempered with; the larger interest of the public or the State would be relevant factors for granting or rejecting bail. Juxtaposing the appellants' case founded on Articles 14 and 21 of the Constitution of India with the aforesaid allegations and considering the fact that almost five years have lapsed since they were taken into custody, we are satisfied that the appellants have made out a case for granting bail. Allegations against them no doubt are serious, but for that reason alone bail cannot be denied to them. While dealing with the offences under Chapters IV and VI of the 1967 Act, we have referred to the materials available against them at this stage. These materials cannot justify continued detention of the appellants, pending final outcome of the case under the others provisions of the 1860 Code and the 1967 Act.

16. In *Gurwinder Singh v. State of Punjab & Another*, SLP (Criminal) No.10047 of 2023, 2024-INSC-92, February 07, 2024, the Hon'ble Supreme Court holds,

[18]. The conventional idea in bail jurisprudence vis-à-vis ordinary penal offences that the discretion of Courts must tilt in favour of the oft-quoted phrase - 'bail is the rule, jail is the exception' – unless circumstances justify otherwise - does not find any place while dealing with bail applications under UAP Act. The 'exercise' of the general power to grant bail under the UAP Act is severely restrictive in scope. The form of the words used in proviso to Section 43D (5)– 'shall not be released' in contrast with the form of the words as found in Section 437(1) CrPC - 'may be released' – suggests the intention of the Legislature to make bail, the exception and jail, the rule.

[19]. The courts are, therefore, burdened with a sensitive task on hand. In dealing with bail applications under UAP Act, the courts are merely examining if there is justification to reject bail. The 'justifications' must be searched from the case diary and the final report submitted before the Special Court. The legislature has prescribed a low, 'prima facie' standard, as a measure of the degree of satisfaction, to be recorded by Court when scrutinising the justifications [materials on record]. This standard can be contrasted with the standard of 'strong suspicion', which is used by Courts while hearing applications for 'discharge'. In fact, the Supreme Court in *Zahoor Ali Watali* [(2019) 5 SCC 1] has noticed this difference, where it said:

“In any case, the degree of satisfaction to be recorded by the Court for opining that there are reasonable grounds for believing that the accusation against the accused is prima facie true, is lighter than the degree of satisfaction to be recorded for considering a discharge application or framing of charges in relation to offences under the 1967 Act.”

[20]. In this background, the test for rejection of bail is quite plain. Bail must be rejected as a 'rule', if after hearing the public prosecutor and after perusing the final report or Case Diary, the Court arrives at a conclusion that there are reasonable grounds for believing that the

accusations are prima facie true. It is only if the test for rejection of bail is not satisfied – that the Courts would proceed to decide the bail application in accordance with the ‘tripod test’ (flight risk, influencing witnesses, tampering with evidence). This position is made clear by Sub-section (6) of Section 43D, which lays down that the restrictions, on granting of bail specified in Sub-section (5), are in addition to the restrictions under the Code of Criminal Procedure or any other law for the time being in force on grant of bail.

[21]. On a textual reading of Section 43 D(5) UAP Act, the inquiry that a bail court must undertake while deciding bail applications under the UAP Act can be summarised in the form of a twin-prong test :

- 1) Whether the test for rejection of the bail is satisfied?
 - 1.1 Examine if, prima facie, the alleged ‘accusations’ make out an offence under Chapter IV or VI of the UAP Act
 - 1.2 Such examination should be limited to case diary and final report submitted under Section 173 CrPC;
 - 2) Whether the accused deserves to be enlarged on bail in light of the general principles relating to grant of bail under Section 439 CrPC (‘tripod test’)? On a consideration of various factors such as nature of offence, length of punishment (if convicted), age, character, status of accused etc., the Courts must ask itself :
 - 2.1 Whether the accused is a flight risk?
 - 2.2. Whether there is apprehension of the accused tampering with the evidence?
 - 2.3 Whether there is apprehension of accused influencing witnesses?
22. The question of entering the ‘second test’ of the inquiry will not arise if the ‘first test’ is satisfied. And merely because the first test is satisfied, that does not mean however that the accused is automatically entitled to bail. The accused will have to show that he successfully passes the ‘tripod test’.

[33]. Hence, we are of the considered view that the material on record prima facie indicates the complicity of the accused as a part of the conspiracy since he was knowingly facilitating the commission of a preparatory act towards the commission of terrorist act under section 18 of the UAP Act.

[34]. For the aforementioned reasons the bail application of the Appellant is rejected and consequently the appeal fails...

17. In Sheikh Javed Iqbal v. State of U.P., [2024] 7 S.C.R. 1054; 2024 INSC 534, July 18, 2024, the Hon’ble Supreme Court holds,

[5]. First Information Report (FIR) was lodged against the appellant by the informant Inspector Tej Bahadur Singh under Sections 121A, 489B and 489C of IPC. It came to be registered as Crime No. 01 of 2015. Informant stated that fake Indian currency notes of the denomination of

Rs. 1,000 and Rs. 500, totalling a sum of Rs. 26,03,500.00, were recovered from the possession of the appellant on 22.02.2015 at about 09:10 PM from the Indo-Nepal border. He was apprehended by a constable of the ATS team and brought to the ATS Headquarter. In the course of investigation, the appellant disclosed his name as Sheikh Javed Iqbal @ Ashfaq Ansari @ Javed Ansari, resident of Narayani Parsa, Belwa, Nepal. In addition to the fake Indian currency notes, one Nepalese driving licence of the appellant and one Nepalese citizenship certificate also of the appellant were recovered besides two mobile phones. According to the police, appellant had confessed that he was engaged in the illegal trade of supplying counterfeit Indian currency notes in Nepal. The appellant was arrested on 23.02.2015.

[32]. This Court has, time and again, emphasized that right to life and personal liberty enshrined under Article 21 of the Constitution of India is overarching and sacrosanct. A constitutional court cannot be restrained from granting bail to an accused on account of restrictive statutory provisions in a penal statute if it finds that the right of the accused-undertrial under Article 21 of the Constitution of India has been infringed. In that event, such statutory restrictions would not come in the way. Even in the case of interpretation of a penal statute, howsoever stringent it may be, a constitutional court has to lean in favour of constitutionalism and the rule of law of which liberty is an intrinsic part. In the given facts of a particular case, a constitutional court may decline to grant bail. But it would be very wrong to say that under a particular statute, bail cannot be granted. It would run counter to the very grain of our constitutional jurisprudence. In any view of the matter, K.A. Najeeb (supra) being rendered by a three Judge Bench is binding on a Bench of two Judges like us.

[33]. Thus, having regard to the discussions made above, we are of the considered view that continued incarceration of the appellant cannot be justified. We are, therefore, inclined to grant bail to the appellant.

18. In Harpreet Singh Talwar v. State of Gujarat, [2025] 6 S.C.R. 291; 2025 INSC 662, May 13, 2025, the Hon'ble Supreme Court holds,

[25]. Having given our anxious consideration to the submissions advanced by both sides and upon careful perusal of the material on record, we are of the view that the Appellant has not been able to make out a case for grant of regular bail at this stage.

[26]. We say so for the reason that despite no direct recovery of contraband effected from the Appellant, the Prosecution's case is that he played a coordinating and enabling role in facilitating the import of narcotics concealed as talc through M/s Magent India—which he allegedly controlled through a proxy. The consignment, although not seized with heroin, shares structural and logistical similarities with those where heroin was ultimately found.

[27]. The charge against the Appellant must also be evaluated in light of the broader matrix of facts, including

- (i) his alleged meetings in Dubai with a principal foreign accused;
- (ii) the transfer of documents through intermediaries for the clearance of a flagged consignment;
- (iii) efforts to retrospectively fabricate invoices and assign responsibility to others;
- (iv) the use of multiple firms allegedly connected to him to obfuscate the true nature of the transactions; and
- (v) his telephonic calls to certain co-conspirators.

These aspects, supported by the statements of protected witnesses and circumstantial linkages, currently meet the threshold of *prima facie* satisfaction regarding the Appellant's complicity.

[28]. This Court is cognizant of the fact that no heroin or narcotic substances were directly recovered from the consignment linked to the Appellant. However, the investigative narrative does not rest solely on physical recovery but proceeds on the basis of conspiracy and facilitation. In such cases, the absence of direct seizure is not dispositive, particularly where there exists a pattern of covert coordination, fictitious entities, and barter-based compensation—features which, according to the prosecution, mark the smuggling architecture employed in the present matter.

[29]. The Appellant faces serious charges, which allegedly carry grave societal ramifications, including the facilitation of cross-border drug trafficking—an offence with well-documented links to organised crime and public health degradation. The seizure in the connected consignment is part of what the Prosecution claims to be the largest heroin bust in Indian history, valued at over INR 21,000 crores. The scale and sophistication of the operation, involving foreign syndicates, shell firms, medical visas, and false documentation, elevates this case far beyond routine NDPS violations.

[30]. This Court also cannot ignore the fact that multiple key witnesses still remain to be examined, and the trial while underway, will take time in completion. Out of 24 most vulnerable or material witnesses, two have died, and two others are untraceable. One of the deceased witnesses, a retired Customs Officer, was found dead on the very day he was scheduled to record his statement under Section 164 CrPC. The risk of witness tampering or elimination—whether directly attributable to the Appellant or not—is a real and present concern that militates against the grant of bail at this stage.

[31]. Moreover, the Appellant's criminal antecedents, though not involving prior accusations under the NDPS Act, include multiple DRI and customs proceedings involving smuggling of cigarettes, undervaluation of imports, and alleged complicity in corruption offences. These antecedents are relevant only for the limited purpose of evaluating

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the Appellant's propensity to interfere with the process of justice if enlarged on bail.

[32]. NIA has also highlighted that several accused remain absconding, including the primary foreign conspirators. In that context, the Appellant's foreign travel, overseas connections, and financial capacity cannot be overlooked in evaluating the possibility of flight risk. These are not speculative concerns but flow directly from the Appellant's prior conduct and profile.

[33]. We are conscious of the settled principle that pre-trial incarceration should not translate into punitive detention. The Appellant has been in custody since 24.08.2022, and while we do not find that this duration alone warrants bail under the present circumstances, the Appellant shall remain at liberty to renew his prayer for bail after a period of six months, or upon substantial advancement in the trial, whichever is earlier. Such a course would allow the Prosecution to complete the examination of its core witnesses while preserving the accused's right to seek release at a later and more appropriate stage.

[34]. Before parting with this matter, we deem it necessary to clarify that, at this stage, it would be premature and speculative to extend the allegations against the Appellant to the domain of terror financing. While the prosecution has invoked provisions of the UAPA and has broadly linked the smuggling enterprise to trans-national syndicates with suspected affiliations, there is no compelling reason to currently link the Appellant and proscribed terrorist organisations, either within or outside the country. The evidentiary foundation to sustain such a grave allegation must be clear and compelling—something that, can be seen only after a substantial portion of evidence is led by both the parties.

[35]. In light of the foregoing discussion, and without expressing any opinion on the merits of the case, we dismiss the instant appeal with the following directions:

- i. We are not inclined to enlarge the Appellant on regular bail at this stage. He shall be at liberty to renew his plea for regular bail after a period of 6 months, or at a stage where the ongoing trial has progressed substantially;
- ii. The NIA is directed to submit to the Special Court an additional list of witnesses who, in its assessment, are sensitive or material, inasmuch as their testimony may have a direct bearing on the role of the Appellant or other co-accused in the ongoing trial and connected investigation;
- iii. The Special Court is directed to list the matter twice in a month and record the statements of Prosecution witnesses on a continuous and uninterrupted basis; and
- iv. If the Presiding Officer of the Special Court has not been posted thus far, we request the Hon'ble Chief Justice of the High Court of Gujarat to do the needful within a week.

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19. In the light of the Judicial Precedents of Hon'ble Supreme Court of India, considering the nature of allegations against the appellant and keeping in mind the stage of trial, and the pre-trial custody, we are of the considered opinion that further pre-trial incarceration would cause grave injustice to the appellant.

20. Further, the appellant, through his counsel, undertakes not to indulge in any Anti-India activity and also that he would not cross the limits of his speech and expression beyond what is permitted under Article 19 of the Constitution of India and considering the entire facts and the pre-trial custody, which on the face of it, is excessive for the purpose of pre-trial custody and the undertaking given by the appellant through counsel, we are of the considered opinion that his further custody is not required.

21. Without commenting on the case's merits, in the facts and circumstances unique and peculiar to this case, and for the reasons mentioned above, the appellant makes a case for bail.

22. Given the above, provided the appellant is not required in any other case, the appellant shall be released on bail in the FIR captioned above, subject to furnishing bonds of Rs. 1 lac to the satisfaction of the concerned trial Court and due to unavailability before any nearest Chief Judicial Magistrate or Duty Magistrate/ Ilaqa Magistrate.

23. In *Gulfisha Fatima v. State (Govt. of NCT of Delhi)* Jan 05, 2026, the Hon'ble Supreme Court holds,

[434]. The appellants granted bail shall be released subject to the following conditions, which are imposed not as matters of form, but as substantive safeguards in the interest of national security, public order, and the integrity of the trial process.

i. Each of the appellants shall execute a personal bond in the sum of ₹2,00,000/- (Rupees Two Lakhs only) with two local sureties of the like sum to the satisfaction of the Trial Court.

ii. The appellants shall remain within the National Capital Territory of Delhi and shall not leave its territorial limits without prior permission of the Trial Court. Any request for travel shall disclose reasons and such prayer/request shall be considered by the Trial Court strictly on its merits

iii. The appellants shall surrender their passports, if any, before the Trial Court. Where no passport exists, an affidavit to that effect shall be filed. We direct the respondent to intimate all the immigration authorities in the country not to permit their exit from the country in any manner whatsoever, without express permission from the Trial Court.

iv. The appellants shall furnish their current residential addresses, contact numbers, and e-mail addresses to the Investigating Officer as well as to

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the Trial Court. The appellants shall not change their place of residence or contact particulars without giving at least seven days' prior written intimation to the Investigating Officer and the Trial Court.

v. Each of the appellants, namely Gulfisha Fatima, Meeran Haider, Shifa-ur-Rehman, Mohd. Saleem Khan, and Shadab Ahmed, shall personally appear twice a week, that is on Monday and Thursday between 10:00 a.m. and 12:00 noon, before the Station House Officer, Police Station Crime Branch, Delhi Police, Office of the Commissioner of Police, Police Headquarters, Jai Singh Marg, New Delhi – 110001 and mark their attendance. The Station House Officer shall maintain a separate register of attendance in respect of each of these appellants and shall furnish a monthly compliance report to the Trial Court, which shall be placed on the main record of the case.

vi. The abovenamed appellants shall not directly or indirectly contact, influence, intimidate or attempt to contact any witness or any person connected with the proceedings, nor shall they associate with or participate in the activities of any group or organization linked to the subject matter of the present FIR/ final report.

vii. The appellants shall not make or publish or disseminate any information, statement, article or post whether in print, electronic or social media concerning the present case or its

participants till conclusion of the trial.

viii. The appellants shall not participate in any programme or address or attend any gathering, rally or meeting, whether physically or virtually till conclusion of the trial.

ix. The appellants shall not circulate any post either in electronic form or physical form or circulate any hand bills, posters, banners, etc in any form whatsoever.

x. The appellants shall fully cooperate with the trial and shall appear on every date of hearing unless exempted for reasons to be recorded by the Trial Court to its satisfaction and they shall

not exhibit any conduct that has the effect of delaying the proceedings.

xi. The appellants shall maintain peace and good behaviour throughout and in the event of any offence committed during the pendency of the trial, the prosecution would be at liberty to seek for revocation of the bail granted by filing such application before the Trial Court and in the event of such application being filed the Trial Court shall consider it on its own merits.

[435]. In case of breach of any of the afore-stated conditions imposed or in the event of appellants having misused the liberty granted, it shall be open to the Trial Court to cancel the bail which would be necessarily after affording opportunity of hearing to the appellants.

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24. The Appellants shall abide by all the above conditions as were ordered by the Hon'ble Supreme Court of India in Gulfisha Fatima *supra*, before the police station concerned in the present case.

25. In addition to the above conditions, the Appellant shall also abide by the following additional conditions, wherever these do not overlap with the conditions mentioned in Gulfisha Fatima *supra*. It is clarified that the conditions mentioned in Gulfisha Fatima *supra* are to be preferred over the following conditions imposed by this Court.

26. The appellant shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The appellant shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

27. The appellant shall not seek any unnecessary adjournment, and if he does so, the State shall have the right to apply for cancellation of bail.

28. The appellant shall mention his current address, phone number, e-mail, if any, and present address, native address, and in case of change, he shall inform the SHO of the police station concerned through a registered letter by mentioning the case number. Additionally, he shall also inform the concerned Court before whom the bonds were furnished.

29. Given the background of allegations against the appellant, it becomes paramount to protect the members of society as well as the integrity of the country, and incapacitating the accused would be one of the primary options until the filing of the closure report, discharge, or acquittal. Consequently, it would be appropriate to restrict the possession of firearms. This restriction is being imposed based on the preponderance of evidence of probability and not of evidence of certainty, i.e., beyond a reasonable doubt; and as such, it is not to be construed as an intermediate sanction. Given the nature of the allegations and the other circumstances peculiar to this case, the appellant shall surrender all weapons, firearms, and ammunition, if any, along with the arms license, to the concerned authority within fifteen days of release from prison and inform the Investigator of compliance. However, subject to the Indian Arms Act, 1959, the appellant shall be entitled to renew and take it back in case of acquittal in this case, provided that this is otherwise permissible under the concerned rules. Restricting firearms would instill confidence in society; it would also restrain the accused from influencing the witnesses and repeating the offense.

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30. The conditions mentioned above imposed by this court are to endeavor to reform and ensure that the accused does not repeat the offense. In *Mohammed Zubair v. State of NCT of Delhi*, 2022:INSC:735 [Para 28], Writ Petition (Criminal) No 279 of 2022, Para 29, decided on July 20, 2022, A Three-Judge bench of Hon'ble Supreme Court holds that "The bail conditions imposed by the Court must not only have a nexus to the purpose that they seek to serve but must also be proportional to the purpose of imposing them. The courts, while imposing bail conditions must balance the liberty of the accused and the necessity of a fair trial. While doing so, conditions that would result in the deprivation of rights and liberties must be eschewed."

31. In *Md. Tajiur Rahaman v. The State of West Bengal*, decided on 08-Nov-2024, SLP (Crl) 12225-2024, Hon'ble Supreme Court holds in Para 7, "It goes without saying that if the petitioner is found involved in such like offence in future, the concession of bail granted to him today will liable to be withdrawn and the petitioner is bound to face the necessary consequences."

32. This bail is conditional, with the foundational condition being that if the appellant repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than three years, the State shall file an application to revoke this bail before the trial Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and as per their discretion, they may cancel this bail.

33. Any observation made hereinabove is tentative and is not an expression of opinion on the case's merits, and it shall have no bearing on the trial or on the case of the co-accused, and the trial Court shall not advert to these comments.

34. It is clarified that this bail order shall not be considered as a blanket bail order in any other matter and is only limited to granting bail in the FIR mentioned above.

35. In *Amit Rana v. State of Haryana*, CRM-18469-2025 [in CRA-D-123-2020, decided on 05.08.2025], a Division Bench of Punjab and Haryana High Court in paragraph 13, holds that "*To ensure that every person in judicial custody who has been granted bail or whose sentence has been suspended gets back their liberty without any delay, it is appropriate that whenever the bail order or the orders of suspension of sentence are not immediately sent by the Registry, computer systems, or Public Prosecutor, then in such a situation, to facilitate the immediate restoration of the liberty granted by any Court, the downloaded copies of all such orders, subject to verification, must be accepted by the Court before whom the bail bonds are furnished.*"

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36. Given the above, the impugned order is set aside and appeal is allowed in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

(SUKHVINDER KAUR)
JUDGE

29.05.2026
Jyoti Sharma

Whether speaking/reasoned : YES
Whether reportable : NO