

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-17729-2026 in/and CRA-D-675-2026

JUDGEMENT RESERVED ON	JUDGEMENT PRONOUNCED ON	OPERATIVE PART PRONOUNCED OR FULL	UPLOADED ON
05.05.2026	18.05.2026	FULL PRONOUNCED	18.05.2026

Sohat Appellant

Versus

State of Punjab ...Respondent

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

Present: Mr. R.K. Arya, Advocate
for the appellant.

Ms. Pooja Nayar Sharma, DAG, Punjab.

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ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Section
148	17.05.2025	Civil Lines, Batala	4, 5 of Explosive Substance Act 1908, 111, 61, 2 of BNS and Sections 13, 14, 16, 17, 18, 18-B, 20 of the Unlawful Activities (Prevention) Act 1967 (Amendment 2012)

Criminal Case number before the Sessions Court	CIS No.BA/67627/2025 CNR No.PBGD01-015054-2025
Date of Decision	19.12.2025

CRM-17729-2026

Present application has been filed for condonation of delay of 93 days in filing the accompanying appeal.

Hon’ble Supreme Court vide order dated 11.12.2025, passed in Writ Petition(s)(Criminal) No(s). 114/2024 titled as ‘Sushila Devi and Anr. Vs. Union of India through NIA & Ors.’ has technically directed this High Court to decide the appeals on merits without considering the delay and the same reads as follows:-

'Crl.A. No. 20/2022 :

The High Court is at liberty to decide the appeal(s) if any already pending, on merits and in accordance with law notwithstanding the delay that has occasioned in filing the appeal(s).

List the appeal on 24.03.2026.

W.P.(Crl.) No.114/2024,, SLP(Crl) No. 5229/2024, SLP(Crl) No. 5245/2024:

List the matters on 24.03.2026.

SLP(Crl) No. 1742/2024 and and Diary No(s). 51829/2025:

We request the High Court(s) to dispose of the appeal(s) on merits, notwithstanding the delay in filing these appeal(s) and the earlier orders(s) of dismissal, on appropriate applications being filed by the parties List the matters on 24.03.2026.

SLP(Crl) No. 3968-3974/2025 :

We have heard Sh. R. Basant, the learned Senior counsel appearing for the petitioner and Sh. Raj Thakre, learned Additional Solicitor General appearing for the respondent.

We take note of the submissions made by the learned Senior counsel appearing for the petitioner that notwithstanding the earlier directions issued by this Court on 20.05.2025, the trial has not progressed sufficiently.

Accordingly, we issue a specific direction to the Trial Court to expedite the hearing and if possible, to conduct day-to-day hearings, particularly when the petitioner is languishing under incarceration for more than 8½ years. The report will have to be filed before this Court on or before 15.03.2026 with respect to the progress made in the trial.

We further direct the trial Court to complete the examination of the protected witnesses.

List the matters on 24.03.2026."

Given above, present application is allowed. Delay of 93 days in filing the accompanying appeal, is condoned.

Main appeal

1. Aggrieved by the dismissal of regular bail by the Additional Sessions Judge, Gurdaspur vide order dated 19.12.2025, the appellant had come before this Court by filing the present appeal, seeking bail in the FIR mentioned above.

2. The facts of the case are being taken from the reply dated 04.05.2026, filed by the DySP, Sub Division City Batala, Police District Batala, same reads as follows:-

“That on 17.05.2025, SI Gurmeet Singh (hereinafter referred to as "the complainant"), along with other police officials, was present on routine patrolling duty when he received reliable information from a secret informer that near shutter of the wine shop, in the vicinity of Universe Factory, Focal Point a grenade type thing had been thrown by unknown persons. Acting upon the said information, a ruqa was prepared and sent to the Police Station, on the basis of which FIR No. 148 dated 17.05.2025 was registered initially under Sections 4 and 5 of the Explosive Substances Act, 1908 at Police Station Civil Lines, Batala against unknown persons.

ii. That thereafter the complainant along with the police party reached the spot and considering the nature of the information, the Bomb Disposal Squad was immediately called to the place of occurrence. In the presence of then Deputy Superintendent of Police, City Batala and other police officials, one grenade was recovered from the aforesaid spot and the same was safely disposed of by the Bomb Disposal Squad.

iii. That subsequently, on 18.05.2025, Report No.0025-06/B.D.D.T/B.R/A.S.R dated 18.05.2025 was received from the Bomb Disposal and Detection Team, wherein it was opined that the recovered object was a live ARGES Grenade-86. The said report further mentioned that the safety pin of the grenade had already been removed and the same had been safely disposed of by the Bomb Disposal Squad. It was also noted that the said grenade contained a high explosive substance and had been smuggled into India.

iv. That during the course of investigation on 18.05.2025, SI Gurmeet Singh received secret information that Jatin Kumar @ Rohan, Ibrahim @Rohit; Barinder Singh @ Sajjan, Rahul Masih, Sohit (Appellant) and Sunil Kumar had committed the aforesaid act. The informer further disclosed that the responsibility for the incident had been claimed by the banned terrorist organization Babbar Khalsa International (BKI) through its operatives Jaswinder Singh @ Baghi @Mannu Agwan and Gurpreet Singh @ Gopi Nawanshahria, indicating that the occurrence formed part of a larger terrorist conspiracy which required thorough investigation.

v. That on the basis of the said information vide DDR No. 48 dated 18.05.2025 the aforesaid persons were nominated as accused in the present case and

offences under Sections 111 and 61(2) of the BNS, 2023 and Sections 13, 14, 16, 17, 18, 18-B and 20 of the Unlawful Activities (Prevention) Act were added in the case. Thereafter, the investigation in the aforesaid case was entrusted to and conducted by the then DSP City Batala.

vi. That during the course of investigation, on 19.05.2025, Jatin Kumar @Rohan, Ibrahim @ Rohit, Barinder Singh @ Sajan, Rahul Masih, Sohail(Appellant) and Sunil Kumar were apprehended in the present case. During the personal search of the accused, mobile phones were recovered from their possession, namely: from accused Ibrahim @ Rohit one Samsung mobile phone (light purple colour) with SIM No. 98760xxxxx; from accused Barinder Singh @ Sajan one Apple iPhone-13 with SIM No. 99060xxxxx (Airtel); from accused Rahul Masih one Realme mobile phone with SIM no.81464xxxxx (Airtel); and from accused Sohail (Appellant) one OnePlus mobile phone (sky blue colour) with SIM No. 98784xxxxx (Airtel). The said mobile phones were taken into police possession as case property vide separate recovery memos in accordance with law.”

3. The Appellant’s counsel seeks bail on the grounds that the only evidence is of disclosure statement. On the contrary the counsel for the State submits that there is other evidence and the allegations are serious and if the appellant is released on bail it would be a risk to the sovereignty and integrity of the country because of the acts involved.

4. An analysis of the above would lead to the following outcome.

5. It shall be appropriate to refer to paragraphs 4 to 7 of the above mentioned reply, which read as follows:-

“4. Investigation and Evidence Disclosing Commission of Offences under the UAPA, 1967;

That the investigation conducted in the present case has revealed the commission of serious offences punishable under the provisions of the Unlawful Activities (Prevention) Act, 1967. During the course of investigation it came to light that the grenade attack at the liquor vend situated near Focal Point, Batala was not an isolated criminal act but formed part of a larger conspiracy involving persons associated with a banned terrorist organisation. The investigation revealed that the responsibility for the said attack was claimed on social media by members of the proscribed organization Babbar Khalsa International (BKI), namely Jaswinder Singh @ Baghi @ Mannu Agwan and Gurpreet Singh @ Gopi Nawashehri

That during investigation it further transpired that the accused persons had acted in furtherance of a pre-planned conspiracy to carry out the said act of terror by using explosive substances with the intention of spreading fear and disturbing public order. The recovery of a live grenade at the spot, the subsequent recovery of the grenade pin at the instance of accused Barinder Singh @ Sajan, the recoveries of vehicles used in the execution of the offence, the digital forensic evidence recovered from the mobile phones of the accused persons and the financial trail connecting the accused with the conspiracy clearly establish the ingredients of offences punishable under Sections 13, 14, 16, 17, 18, 18-B and 20 of the Unlawful Activities (Prevention) Act 1967.

That the sanction for prosecution under the aforesaid provisions of the UAPA has also been duly obtained from the Additional Chief Secretary, Government of Punjab, Department of Home Affairs and the same forms part of the supplementary final report submitted before the Ld. Trial Court.

5. Role of the Appellant in the Above Captioned FIR:

During the course of investigation, it has come on record that the petitioner Sohat played a pivotal role in the execution of the criminal conspiracy. Being the owner of a shop namely "FOREVER" situated at Batala, he provided a convenient and secure meeting point for the co-accused persons where the plan to carry out a grenade attack was deliberated and finalized in coordination with handlers associated with Babbar Khalsa International. The petitioner actively associated himself with the conspiracy and in furtherance thereof, accompanied co-accused Ibrahim@ Rohit to Amritsar on a motorcycle to collect the grenade from a location disclosed by Maninder Singh @ Billa. After successfully retrieving the explosive device, the petitioner aided in concealing the same and subsequently brought it to his shop, where it was assembled with the help of instructions received through electronic communication. The petitioner also participated in identifying the target and maintained contact with co-accused during the execution of the offence. The recovery of the motorcycle used in procuring the grenade, along with incriminating digital evidence from his mobile phone, clearly demonstrates his deep involvement in the conspiracy.

6. Evidence against the appellant

It is respectfully submitted that the evidence collected during the investigation prima facie connects the appellant with the commission of the offences. The disclosure statement of the appellant indicates his association with the co-accused and his presence during the planning stages of the occurrence. He is stated to have accompanied co-accused Ibrahim for retrieval of the explosive device from Amritsar and to have assisted in concealing the same. It has further come on record that the grenade was subsequently brought to the shop of the appellant, where it was assembled.

The motorcycle used by the appellant and co-accused for travelling to Amritsar for procuring the explosive device has also been recovered during investigation.

7. That upon examination of the OnePlus mobile phone recovered from accused Sohat, the forensic report records that at page No. 8530, serial No. 15422 contains a photograph of a Grenade; at page No. 8586, serial No. 15903 contains a photograph of a grenade; and at page No. 8593, serial Nos. 15979 and 15980 contain photographs depicting firing of a weapon and a person holding empty cartridge shells.”

6. Given the above, there is evidence against the present appellant that he was actively involved in handling the explosive device and his connections with Babbar Khalsa International (BKI) prime facie connecting him with the offence. Given the nature of evidence and serious nature of allegations, the appellant is not entitled for bail. Even otherwise there is no error and illegality in the impugned order of rejection of bail and the same is upheld.

7. 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.

8. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.
9. Appeal dismissed. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

(SUKHVINDER KAUR)
JUDGE

18.05.2026
Anju rani

Whether speaking/reasoned	YES
Whether reportable	NO