

CRA-D-830-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-D-830-2025

JUDGEMENT RESERVED ON	JUDGEMENT PRONOUNCED ON	OPERATIVE PART PRONOUNCED OR FULL	UPLOADED ON
06.03.2026	10.03.2026	FULL PRONOUNCED	10.03.2026

Bhavdeep Singh @ Honey ...Appellant

Versus

State of Punjab ...Respondent

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

Present: Mr. Virender Kumar, Advocate
for the appellant (through V.C.).

Ms. Pooja Nayar Sharma, D.A.G., Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Section
35	06.06.2022	Bakshiwala, District Patiala	25(7), (8) of Arms Act, 411/489/212/216 IPC (Section 13, 16, 20 of Unlawful Activities (Prevention) Act added later on

Bail Application number before the Sessions Court	3931 of 2024 CNR No. PBPT 01 01011352-2024
Date of Decision	26.11.2024

1. Aggrieved by the dismissal of regular bail by the Additional Sessions Judge, Patiala vide order dated 26.11.2024, the appellant had come up before this Court by filing the present appeal under Section 21 of the National Investigation Agency Act, 2008.
2. Per custody certificate, the appellant has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	09	14.01.2015	15/18/20/21/22/61/85 of NDPS Act	Sudhar
2.	82	07.10.2024	319(2), 351(3) BNS	Sudhar

3.	205	08.12.2014	22/61/85 of NDPS Act	Shimla Puri
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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 expression beyond what is permitted under Article 19 of the Constitution of India.
4. The sole ground on which the appellant seeks bail is that he is on absolutely on parity with the co-accused to whom a Co-ordinate Bench of this Court had granted bail vide order dated 17.11.2025 passed in CRA-D No.1568 of 2024.
5. State counsel opposes the prayer of the appellant and has referred to para no.22 of the reply, which is reproduced below:

“22. The Role of the appellant in the above captioned FIR: - That during the course of investigation, the name of the appellant Bhavdeep Singh alias Honey surfaced on the basis of the disclosure statement suffered by co-accused Kamaldeep Singh alias Kamal Loharan on 30.09.2022, wherein it was specifically disclosed that Pritpal Singh alias Garry Batra, along with the present appellant Bhavdeep Singh alias Honey and co-accused Gurdarshan Singh alias Nikku, was residing at the house of Dr. Barjinder Kaur situated at Adarsh Nagar Improved, District Rural Ludhiana, with the intention of providing shelter and concealment to the accused persons involved in the procurement, possession and circulation. of illegal arms and ammunition. Pursuant thereto, the appellant was duly nominated as an accused and arrested on 01.10.2022. The investigation further revealed that the appellant was in active association with Pritpal Singh alias Garry Batra and Gurdev Singh alias Preeti, who were coordinating the supply and movement of foreign-made weapons, and that the appellant knowingly facilitated their activities by providing logistical support and safe harbour. In view of his conscious involvement, association with co-accused engaged in unlawful and terrorist activities, and his role in aiding and abetting the concealment and movement of arms and ammunition, offences under Sections 212 and 216 IPC were added against the appellant, and subsequently, keeping in view the larger conspiracy, his active participation, and the recovery of foreign-made weapons, offences under Sections 13, 16 and 20 of the Unlawful Activities (Prevention) Act, 1967 were also invoked against him.”

6. We have perused the reply and said order, and it is appropriate to reproduce the following paragraph of the said judgment, which reads as follows:

“10. The appellant has not been named in the FIR and was nominated as an accused on the basis of an alleged disclosure statement made by co-accused Kamaldeep Singh @ Kamal while the said co-accused was in police custody. The prosecution's case with regard to the appellant's alleged role also rests on the alleged disclosure statement made by the appellant while in police custody to the effect that while the appellant was in jail he got in touch with Gurdev Singh and Bhavdeep Singh who are terrorists and that when the appellant was released on bail, on the instructions of the aforesaid Gurdev Singh, received by the appellant through a Whatsapp call, the appellant alongwith co-accused Kamaldeep Singh @ Kamal and Shamsher Singh @ Sherry went to Pathankot and dug out two 9 mm pistols with live cartridges which the appellant took to his house and then got them recovered. No evidence whatsoever is forthcoming from the State's affidavit filed before us with regard to the appellant, Gurdev Singh and Bhavdeep Singh having been lodged in the same jail at the same time. Call records between Gurdev Singh and the appellant are also missing. There is also no evidence of Gurdev Singh or Bhavdeep Singh having been declared to be terrorists either by the Government of India or by the State of Punjab. There are also not found any details of any terrorist activities for which the weapons, allegedly recovered from the appellant, were to be used. No link whatsoever even between Gurdev Singh and Bhavdeep Singh on one hand and the appellant on the other has been established.”

7. Perusal of the reply and order passed by the Co-ordinate Bench of this Court, reproduced in para no.6 above, the case of the appellant is on parity with the co-accused. 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.

8. 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.

9. 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.

10. In *Gulfisha Fatima v. State (Govt. of NCT of Delhi)* 05 Jan, 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 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, Shifaur-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.

11. The Appellant 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.

12. 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.

13. 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.

14. 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.

15. 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.

16. 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 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.

17. 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."

18. 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."

19. 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.

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20. 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.
21. 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.
22. 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.”
23. Appeal allowed in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

(SUKHVINDER KAUR)
JUDGE

10.03.2026
Jyoti Sharma

Whether speaking/reasoned	YES
Whether reportable	NO