

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-D-760-2026

JUDGEMENT RESERVED ON	JUDGEMENT PRONOUNCED ON	OPERATIVE PART PRONOUNCED OR FULL	UPLOADED ON
21.05.2026	27.05.2026	FULL PRONOUNCED	28.05.2026

Jivtesh Sethi ...Appellant

Versus

State of Punjab ...Respondent

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

Present: Mr. Arnav Sood, Advocate and
Mr. Manpreet Singh, Advocate
for the appellant.

Ms. Pooja Nayar Sharma, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Section
21	09.03.2022	Nurpur Bedi	16, 18, 20, 40 of UAPA, Sections 5 of Punjab Prevention of Damage to the Public and Private Property Act 2014 120 B IPC and 3, 4 of Explosive Act

Criminal Case number before the Sessions Court	CNR No.PBRO010009372026 CIS No.BA-292/2026
Date of Decision	04.04.2026

1. Aggrieved by the dismissal of regular bail by the Additional Sessions Judge, vide order dated 04.04.2026, the appellant had come before this Court by filing the present appeal under Section 21 of NIA 2008, seeking bail in the FIR mentioned above.
2. Learned counsel for the appellant submits that he is entitled to bail on parity with one of the co-accused namely Rohit @ Ballu, to whom this Court had granted bail vide order dated 12.05.2026 passed in CRA-D-683-2025.
3. Counsel for the State opposes the bail.

4. The facts of the case have been taken from reply dated May 20, 2026 filed by Deputy Superintendent of Police, Sri Anandpur Sahib, District Rupnagar, Punjab. In paragraph 2 of the reply, it has been mentioned that the trial is at the final stage and is pending for defence evidence by Jivtesh Sethi and other co-accused, and for final arguments, as such, the bail should not be granted.

5. Learned counsel for the appellant submits that if the entire prosecution evidence is complete and the matter is listed for defence evidence, then it is another reason to grant the bail because appellant is not in a position to interfere with or hamper upon the prosecution's evidence and he would be in a position to lead defence evidence in a better way than in custody.

6. It is appropriate to refer to following portion of the reply, which reads as under:-

“3. That it is respectfully submitted that the on 08.03.2022 at about 11:58 PM a low intensity explosion was exploded at the northern wall of the Police Post Kalwan, Police Station Nurpur Bedi, District Rupnagar and due to which a part of wall was damaged and fortunately, no loss to any life was happened. It is further submitted that in this regard FIR No.21 dated 09.03.2023, under Section 3, 4 Explosive Act, 1908, 16, 18, 20, 40 of Unlawful Activities (Prevention) Act, Section 5 of Punjab Prevention of Damage to the Public and Private Property Act, 2014 and Section 120-B of IPC was lodged at Police Station Nurpur Bedi, District Rupnagar, against unknown persons.

D. The investigation and evidence to make an offence in the penal provisions of UAPA, 1967

4. That it is further submitted that during investigation of the case the officials of Forensic Science Unit were called at the spot and the Forensic Science Team collected one broken box, one small plastic box containing suspicious substance and other material from the spot and sent the same for examination to FSL Punjab and from the report of FSL, Punjab, the traces of Cyclonite (RDX) were detected, in the material collected from the spot. Therefore, the case falls under UAPA and Explosive Substances Act.

E. The investigation and evidence to make an offence in the penal provisions of BNS, 2023.

The incident in the present case occurred on 08.03.2022 at about 11:58 PM, therefore, Section 120-B of IPC was invoked in the present case and BNS was not prevalent at that time.

5. It is further submitted that during investigation of the case FIR No.241 dated 08.11.2021, under Section 3, 4, 5 Explosive Act, 1908, 307, 427, 120B, 13, 16, 17, 18, 18-B, 20 Unlawful Activities (Prevention) Act, 1967, was lodged at Police Station City - Nawanshahar, District SBS Nagar, the appellant-Jivtesh Sethi and his co-accused were arrested by the police of Police Station City Nawanshahar and during their interrogation in the said case, the appellant-Jivtesh Sethi and his co-accused had made disclosure statement that they had attempted to explode the Police Post Kalwan.

F. The Role of the Petitioner in the above captioned FIR.

6. It was further revealed during investigation that the appellant-Jivtesh Sethi worked as conduit to supply the explosive material to the main accused and said explosive material was put near the wall of Police Post Kalwan by Manish Rana @ Meeshu and his co-accused Rohit @ Ballu son of Rangi Ram and Shubkaran @ Sajan had exploded the explosion by pressing the remote.

7. That it is respectfully submitted that on the basis of disclosure made by appellant and his co-accused mentioned above, in FIR No.241 dated 08.11.2021, lodged at police station City Nawanshahar, appellant-Jivtesh Sethi and his co-accused were nominated as an accused in the present case. It is further submitted that during the investigation of the FIR No.241 dated 08.11.2021, registered at Police Station City Nawanshahar, District SBS Nagar mentioned above, the appellant-Jivtesh Sethi and his co-accused had got recovered explosive substances in the shape of Tiffin bombs, as the appellant- Jivtesh Sethi and his co-accused were working together for terrorist Harinder Singh @ Rinda located in Pakistan.”

7. It has explicitly come in para 7 of the reply that appellant-Jivtesh Sethi had got recovered explosive substance in the shape of tiffin bombs and he was working together with terrorist Harinder Singh @ Rinda located in Pakistan.

8. Perusal of the order dated 12.05.2026, vide which Rohit @ Ballu was granted bail, shows that while granting bail to the co-accused Rohit alias Ballu, this Court had explicitly referred to paragraph Nos. 10, 11 and 12 of the reply filed in that case and it was reproduced in paragraph number 6 of the said order. The difference in the case of the appellant-Jivtesh Sethi and Rohit is that there was no allegation explicitly pointing towards Rohit about recovery of the explosives at his instance. In paragraph 7 of the order dated 12.05.2026, this Court had referred to the statement made by the counsel that no ammunition or explosive was recovered from Rohit and only allegations were of criminal conspiracy.

9. Given the above, the appellant is not entitled to bail on parity with co-accused Rohit @ Ballu. Furthermore, there is specific incriminating evidence attributed to the appellant regarding the recovery of explosive substance in the shape of tiffin box, which was one of the prime *modus operandi* of the Pakistan based terrorist.

10. There is evidence of the appellant's involvement with Pakistan-based smugglers and the recovery of large amounts of ammunition from them. Thus, in the entirety of facts and circumstances, this Court is not inclined to grant bail to the appellant.

11. 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.

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

(ANOOP CHITKARA)
JUDGE

(SUKHVINDER KAUR)
JUDGE

27.05.2026

Anju rani

Whether speaking/reasoned	YES
Whether reportable	NO