

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

2026.PHHC.040728-DB



CRA-D-774 of 2023 (O&M)

Reserved on :26.02.2026

Pronounced on: 16.03.2026

Lovepreet Singh alias Ravi

... Appellant

Versus

National Investigation Agency

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

HON'BLE MRS. JUSTICE RAMESH KUMARI

Present: Mr. Baldev Singh Maan, Advocate for the appellant.
Mr. Sukhdeep Singh Sandhu, Special Public Prosecutor for
the respondent-NIA.
Mr. Adeshwar Singh Pannu, Assistant Advocate General, Punjab.

RAMESH KUMARI, J.

In the instant appeal, the appellant-Lovepreet Singh @ Ravi (hereinafter referred to as an accused) has prayed for grant of regular bail in RC No. 10/2021/NIA/DLI dated 10.06.2021 arising out of FIR No. 38 dated 22.04.2021 under Sections 120-B, 115, 170, 201, 385, 386, 387 and 471 of the Indian Penal Code; under Section 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985, Section 25(1A), 25(6), 25(7) and 29 of the Arms Act; and Section 17,18, 18-B, 20, 21 and 23 of the Unlawful Activities (Prevention) Act, 1967, registered at Police Station Mehna, District Moga.

2. It is the case of the prosecution that accused Arshdeep Singh alias Arsh alias Prabh (A-6), presently in Surrey, Canada alongwith present appellant-accused Lovepreet Singh alias Ravi and other co-accused persons had formed a gang for threatening and extorting money from people under the directions of Hardeep Singh Nijjar (A-7), Chief of Khalistan Tiger Force (KTF). In pursuance of above criminal conspiracy, accused Lovepreet Singh alias Ravi (A-1), Ram Singh alias Sona (A-2), Kamaljeet Sharma alias Kamal (A-3) committed targeted killings of prominent people and persons of other faiths, to create a sense of fear and disharmony in the society. Several arms, ammunition and vehicles were recovered from their possession on their disclosure statements while in police custody, which were used in different crimes committed by accused persons. As per the criminal conspiracy hatched by Arshdeep Singh alias Arsh alias Prabh, accused-appellant Lovepreet Singh alias Ravi (A-1), alongwith Kamaljeet Sharma alias Kamal (A-3) actively participated in killing of gangster Sukhpreet Singh alias Sukha Lamha and disposed off his body after mutilating in furtherance of planning and conspiracy to execute criminal activities of extortion and killing. Investigation established that accused-appellant Lovepreet Singh alias Ravi being the part of criminal conspiracy with the association of other co-accused Ram Singh alias Sona (A-2), Kamaljeet Sharma alias Kamal (A-3) and Arshdeep Singh alias Arsh alias Prabh (A-6) knowingly held the amount, which was derived or obtained by the members of terror gang from the commission of terror acts/extortions. To create terror in the minds of people, co-accused Arshdeep Singh alias Arsh alias Prabh (A-6), Lovepreet Singh alias Ravi (A-1) and Kamaljit Sharma alias Kamal (A-3) hatched a criminal conspiracy and killed Tejinder Singh alias Pinka of Supershine Jeans Showroom, Moga. Accused-appellant Lovepreet Singh alias Ravi (A-1) was arrested on 23.05.2021 at

Mehna, Moga in the instant case alongwith accused Ram Singh alias Sona (A-2). Appellant-accused Lovepreet Singh is a classified class-1 prisoner in view of the provisions contained in the Prisons Act, 1894 and the Rules framed thereunder as he has committed heinous organized crime.

3. The contention of learned counsel for the appellant-accused Lovepreet Singh is that he has not committed any offence and has been falsely implicated in this case. He had been arrested on 22.05.2021 and he is in judicial custody for the last more than four and half years. The investigation is over; challan has been presented and custodial interrogation of the appellant is not required. The culpability of the appellant is a matter of trial. The prosecution has cited 131 prosecution witnesses, out of which only 35 witnesses have been examined. The appellant has no link with other co-accused as he had not taken part in any illegal activity. The allegations against him are not true and he belongs to a responsible family and has deep roots in the society. The apprehension of the prosecution that he shall flee from justice are without any basis. Because of his long incarceration he deserves the benefit of regular bail. It is further submitted that the appellant was earlier implicated in several FIRs but he was acquitted in those cases and as on date no case except the present case is pending against him.
4. Per contra, Mr. Sukhdeep Singh Sandhu, learned Special Public Prosecutor appearing for the NIA, submits that the appellant-accused had actively participated in the commission of offence. Regarding involvement of commission of offence, learned counsel for NIA contended that appellant-accused Lovepreet Singh alias Ravi is the key associate of co-accused Arshdeep Singh (A-6) who is still absconding. He alongwith other co-accused Arshdeep Singh alias Arsh alias Prabh (A-6) formed a terror gang for threatening and extorting money from the local people under the directions of

Hardeep Singh Nijjar (A-7), Chief of Khalistan Tiger Force, who is reported to be no more. It is further contended that on the disclosure statement of appellant-accused Lovepreet Singh alias Ravi several incriminating arms, ammunition were recovered vide memos dated 23.05.2021, 24.05.2021, 01.06.2021 and 08.06.2021 which were used in the commission of offences. The appellant-accused Lovepreet Singh alias Ravi in furtherance of criminal conspiracy hatched by co-accused Arshdeep Singh alias Arsh @ Prabh (A-6) alongwith Kamaljit Sharma alias Kamal (A-3) actively participated in the killing of gangster Sukhpreet Singh alias Sukha Lamha and disposed of his body after mutilating the same. FIR No. 62 dated 25.05.2021 under Section 302/34 IPC was registered at P.S.Badhni Kalan, Moga in this regard. He knowingly held the amount which was obtained by the members of terror group of gangsters from the commission of terror acts of extortion. Appellant-accused Lovepreet Singh alias Ravi also received terror funds of approximately Rs. 1.50 lacs at different intervals of time through Western Union Money Transfer sent by co-accused Arshdeep Singh alias Arsh. The appellant is a known gangster and has criminal background and he used to exert pressure on the witnesses and secured acquittal and the State of Punjab has filed appeals in those cases. Learned counsel for NIA further submits that appellant-accused is not entitled for concession of regular bail.

5. We have heard learned counsel for the parties at length.
6. As per the latest custody certificate, the appellant-accused Lovepreet Singh alias Ravi has undergone actual custody of four years eight months and 10 days. In the following eight cases, the appellant-accused Lovepreet Singh alias Ravi has been acquitted/discharged:-

i)	FIR No. 62/2021 dated 25.05.2021, under Sections 302/201/34 IPC, P.S.Badhni Kalan, District Moga.
----	---

ii)	FIR No. 122/2020 dated 14.07.2020 under Sections 302/120-B/34 IPC and u/s 25/54/59 of the Arms Act, P.S. City South Moga.
iii)	FIR No. 9/2021 dated 09.02.2021 under Sections 307/387/34 IPC and under Sections 25/54/59 of Arms Act, P.S. Mehna.
iv)	FIR No. 39/2020 dated 27.06.2020 under Sections 336, 427-B IPC, u/s 25/54/59 of Arms Act, P.S.Hathour.
v)	FIR No. 62/2021 dated 15.07.2021 under Sections 21-C, 29-61-85 of NDPS Act, P.S. Khalra,
vi)	FIR No. 90 dated 19.09.2018 under Sections 302 IPC, P.S. Sadar Banga.
vii)	FIR No. 24 dated 23.11.2021 under Sections 25-A of the Arms Act, Sections 3,4,5 of the Explosive Act; under Section 120-B IPC, P.S. State Special Operation Cell.
viii)	FIR No. 55/2022 dated 30.05.2022 under Sections 387, 506 IPC, P.S.Mehna.

Besides the present case, appellant-accused Lovepreet Singh is facing trial in the following two cases:-

i)	FIR No. 11/2025 dated 09.02.2025 under Sections 25-54-59 of the Arms Act, P.S.Mehna.
ii)	FIR No. 03/2026 dated 07.01.2026 under Sections 25,54,of the Arms Act and Sections 111(1), 111(3), 111(4), 111(5), 111(6), 308, 309, 351(2), 351(3), 61(2) of BNS-2023, 66, 66-F(1)(A) of IT Act, P.S.Mehna.

7. Learned State counsel also submitted a compendium of judgments vide which the appellant-accused Lovepreet Singh has been acquitted. In case FIR No. 120/2020 dated 14.07.2020, PW1 Dharamvir Singh who was brother of the deceased turned hostile and the present appellant alongwith two other co-accused was acquitted. In case FIR No. 9/2021 dated 09.02.2021, complainant Jashandeep Sharma did not support the prosecution case and therefore, the

appellant Lovepreet Singh alongwith co-accused has been acquitted. In case FIR No. 39/2020 dated 27.06.2020, PW4 Devender Singh supported the case of the prosecution but PW5 Satpal turned hostile and appellant alongwith co-accused Kamaljit alias Kamal was acquitted.

8. Learned State counsel has drawn our attention towards Section 59(5) of the Prisons Act, 1894 which enables the Government to frame Rules for award of marks and shortening of sentences for prisoners. This Section further provides for classification of prisoners according to the intensity and gravity of the offences. According to this classification, class-1 prisoners are those who had committed heinous organized crimes or specially dangerous criminals; class-2 prisoners include dacoits or persons who commit heinous organized crimes and class-3 prisoners are those who do not fall within class 1 or class 2. The appellant-accused Lovepreet Singh has been put in the category of class-1 prisoner because of his role in the commission of offences and previous antecedents.
9. The record reveals that during investigation, on 23.05.2021, 03 pistols of .32 bore, 38 live rounds of .32 bore, 01 local country made pistol of .315 bore, 05 live rounds of .315 bore and 2000 tablets make VERTRA-100 were recovered from motorcycle Bajaj CT 100 bearing registration No. PB29-AB-2642 of the appellant-accused and Ram Singh alias Rona (A-2) was pillion rider. No document regarding the ownership of the said motor cycle was recovered. During police custody, on 01.06.2021, the appellant-accused as per his disclosure statement got recovered one pistol of .32 bore alongwith one live cartridge and two magazines. On 03.06.2021, another motor cycle mark Passion bearing No. PB29Q-7035 had been recovered on the basis of disclosure statement of appellant-accused. The search of that motor cycle yielded recovery of a Dongle and sim card of Jio Company.

10. Learned State counsel referred to Section 43D(5) of UA (P) Act and the relevant extract thereof reads as under:-

“43D(5)-Notwithstanding anything contained in the Code (Criminal Procedure Code, 1973), no person accused of an offence punishable under Chapters IV and VI of this Act shall be released on bail or on his own bond unless the Public Prosecutor has been given an opportunity of being heard on the application for such release. Provided that such accused person shall not be released on bail or on his own bond if the Court, on a perusal of the case diary or the Report made under section 173 of the Code is of the opinion that there are reasonable grounds for believing that the accusation against such person is prima facie true.”

11. A bare perusal of Section 43D(5) of the UA(P) Act reveals that the provision imposes a specific statutory embargo on grant of bail to an accused person charged with offence punishable under Chapters IV and VI of the Act, which pertain to terrorist activities and terrorist organizations. The section mandates that unless the Court, upon perusal of the case diary or charge-sheet, is satisfied that there is no reasonable ground to believe that the accusations are prima facie true, bail cannot be granted. The legislative intent is clear: in cases involving terrorism related offences, the threshold for bail is heightened in comparison to other criminal cases. The safeguard to prevent misuse of this provision is built into the requirement that the State must be given an opportunity of being heard.
12. While interpreting the provisions of Section 43-D(5) of the UAPA in SLP (Crl.) No.10047 of 2023 titled as ‘**Gurwinder Singh Vs. State of Punjab and another**’ Hon’ble the Supreme Court held as follows:

“16. The source of the power to grant bail in respect of non bailable offences punishable with death or life imprisonment emanates from Section 439 CrPC. It can be noticed that Section 43D(5) of the UAP Act modifies the application of the general bail provisions in respect

of offences punishable under Chapter IV and Chapter VI of the UAP Act.

17. *A bare reading of Sub-section (5) of Section 43D shows that apart from the fact that Sub-section (5) bars a Special Court from releasing an accused on bail without affording the Public Prosecutor an opportunity of being heard on the application seeking release of an accused on bail, the proviso to Sub-section (5) of Section 43D puts a complete embargo on the powers of the Special Court to release an accused on bail. It lays down that if the Court, 'on perusal of the case diary or the report made under Section 173 of the Code of Criminal Procedure', is of the opinion that there are reasonable grounds for believing that the accusation, against such person, as regards commission of offence or offences under Chapter IV and/or Chapter VI of the UAP Act is prima facie true, such accused person shall not be released on bail or on his own bond. It is interesting to note that there is no analogous provision traceable in any other statute to the one found in Section 43D(5) of the UAP Act. In that sense, the language of bail limitation adopted therein remains unique to the UAP Act.*
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 2* (2019) 5 SCC 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 Caste 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'.

Test for Rejection of Bail: Guidelines as laid down by Supreme Court in Watali's Case

23. In the previous section, based on a textual reading, we have discussed the broad inquiry which Courts seized of bail applications under 14 Section 43D(5) UAP Act r/w Section 439 CrPC must indulge in. Setting out the framework of the law seems rather easy, yet the application of it, presents its own complexities. For greater clarity in the application of the test set out above, it would be helpful to seek guidance from binding precedents. In this regard, we need to look no further than Watali's case which has laid down elaborate guidelines on the approach that Courts must partake in, in their application of the bail limitations under the UAP Act. On a perusal of paragraphs 23 to 29 and 32, the following 8-point propositions emerge and they are summarised as follows:

Meaning of 'Prima facie true'

(para-23): On the face of it, the materials must show the complicity of the accused in commission of the offence. The materials/evidence must be good and sufficient to establish a given fact or chain of facts constituting the stated offence, unless rebutted or contradicted by other evidence.

Degree of Satisfaction at Pre-Chargesheet, Post Chargesheet and Post Charges – Compared

[para 23]: Once charges are framed, it would be safe to assume that a very strong suspicion was founded upon the materials before the Court, which prompted the Court to form a presumptive opinion as to the existence of the factual ingredients constituting the offence alleged against the accused, to justify the framing of charge. In that situation, the accused may have to undertake an arduous task to satisfy the Court that despite the framing of charge, the materials presented along with the charge sheet (report under Section 173 Cr.P.C), do not make out reasonable grounds for believing that the accusation against him is prima facie true. Similar opinion is required to be formed by the Court whilst considering the prayer for bail, made after filing of the first report made under Section 173 of the Code, as in the present case.

Reasoning, necessary but no detailed evaluation of evidence [para 24]: The exercise to be undertaken by the Court at this stage--of giving reasons for grant or non-grant of bail--is markedly different from discussing merits or demerits of the evidence. The elaborate examination or dissection of the evidence is not required to be done at this stage.

•Record a finding on broad probabilities, not based on proof beyond doubt

[para 24]: “The Court is merely expected to record a finding on the basis of broad probabilities regarding the involvement of the accused in the commission of the stated offence or otherwise.”

•Duration of the limitation under Section 43D(5)

[para 26]: The special provision, Section 43-D of the 1967 Act, applies right from the stage of registration of

FIR for the offences under Chapters IV and VI of the 1967 Act until the conclusion of the trial thereof.

Material on record must be analysed as a ‘whole’; no piecemeal analysis

[para 27]: *The totality of the material gathered by the investigating agency and presented along with the report and including the case diary, is required to be reckoned and not by analysing individual pieces of evidence or circumstance.*

Contents of documents to be presumed as true

[para 27]: *The Court must look at the contents of the document and take such document into account as it is.*

Admissibility of documents relied upon by Prosecution cannot be questioned

[para 27]: *The materials/evidence collected by the investigation agency in support of the accusation against the accused in the first information report must prevail until contradicted and overcome or disproved by other evidence..... In any case, the question of discarding the document at this stage, on the ground of being inadmissible in evidence, is not permissible.”*

13. Still further, in the matter of ***Keljroesatip Tep and Ors Vs. National Investigation Agency (2023) 6 SCC 58***, Hon’ble the Supreme Court held as follows:

“While dealing with the bail petition filed by the accused against whom offences under chapter IV and VI of UAPA have been made, the court has to consider as to whether there are reasonable grounds for believing that the accusation against the accused is prima facie true. The bench also observed that distinction between the words “not guilty” as used in TADA, MCOCA and NDPS Act as against the words “prima facie” in the UAPA as held in Watali’s Caste (supra) to state that a degree of satisfaction required in the case of “not guilty” is much stronger than the satisfaction required in a case where the words used are “prima facie”.

14. In **Gulfisha Fatima v. State (Govt. of NCT of Delhi) 2026 INSC 2 (SC)**,

total five criminal appeals seeking regular bail were taken up, wherein Hon'ble Apex Court enlarged three accused on regular bail and dismissed criminal appeals of two accused, namely, Umar Khalid and Sharjeel Imam while analysing the individual role of each accused and differentiating between prime conspirators and others. In the said case, Hon'ble Apex Court emphasised that liberty enshrined under Article 21 commands the manner of application of the statute. Article 21 of the Constitution does not dissolve the statutory restraint itself. It is held as under:

“426. The present batch of appeals has required the Court to engage with questions that lie at the intersection of personal liberty and collective security. The guarantee of liberty enshrined under Article 21 of the Constitution is of foundational importance, and no constitutional court can be unmindful of the gravity of restraining liberty before guilt is adjudicated. At the same time, the Constitution does not conceive liberty in isolation. The security of the community, the integrity of the trial process, and the preservation of public order are equally legitimate constitutional concerns. When bail is sought in prosecutions governed by a special statute, the Court is required to undertake a difficult and sensitive balancing exercise, conscious that neither liberty nor security admits of absolutism.

427. While undertaking this exercise, the Court cannot proceed on any consideration except restricting the contours of inquiry confining to law. Where Parliament has prescribed a distinct statutory threshold for the grant of bail, and where the prosecution places prima facie material suggesting organised and deliberate activity affecting public

order and security of the Nation, the Court cannot turn a Nelson's eye to such material merely because incarceration is prolonged or liberty is invoked in the abstract. Equally, where continued detention is not shown to be necessary to serve a legitimate purpose recognised by law, the Court must not hesitate to restore liberty, subject to stringent conditions that safeguard the larger public interest.

428. The position of law that emerges may be stated with clarity. The right to personal liberty enshrined under Article 21 is of seminal importance, and prolonged pre-trial incarceration is a matter of serious constitutional concern. At the same time, where Parliament has, in the context of a special statute, conditioned the grant of bail upon the satisfaction of a defined statutory threshold, a constitutional court cannot treat such restraint as avoidable. Section 43D(5) of the Unlawful Activities (Prevention) Act, 1967, represents a legislative judgment that offences alleged to implicate the security of the State warrant a distinct bail regime. The constitutional role of the Court, therefore, is neither to mechanically enforce the statutory embargo nor to neutralise it by invocation of liberty as straight-jacket formula, but to apply it with disciplined scrutiny. Where the prosecution material, taken at face value, discloses reasonable grounds for believing the accusation to be prima facie true, the statutory restraint must ordinarily operate. Where it does not, liberty must prevail. Article 21 thus commands the manner of application of the statute; it does not dissolve the statutory condition itself.”

15. As observed earlier, in this case, during investigation, the appellant-accused was found in possession of arms, ammunition and one motor cycle without documents and another motor cycle with one Dongle and sim card of Jio

Company. The appellant-accused has actively participated in the commission of offence of murder of Sukhpreet Singh alias Sukha and sufficient incriminating evidence was collected to show that he alongwith other co-accused was member of a terrorist gang and considering his background he is classified as a class-1 prisoner. He actively participated in the commission of offence. In such a situation, long incarceration solely by itself, cannot be a ground for grant of regular bail.

16. In view of the fact that the trial is in progress and considering the antecedents of the appellant-accused and the evidence collected against him during the investigation as well as considering the gravity of the offences, the appellant-accused Lovepreet Singh alias Ravi is not entitled for the concession of regular bail.
17. As a result of the aforesaid discussion, we do not find any merit in the bail application filed by the appellant-accused and the same stands dismissed.
18. Nothing stated herein shall be construed as an expression of opinion on the merits of the case as the observations have been made for the limited purpose of deciding the bail application. Learned trial Court shall decide the case on the basis of the evidence led by both the parties.
19. Since till date only 35 prosecution witnesses, out of cited 131 prosecution witnesses, have been examined by the trial Court, the trial Court is directed to take the following steps for expeditious conclusion of the trial:
 - (i) The trial Court shall frame a schedule of dates in advance for summoning the witnesses and shall also endeavour to record the statements of the PWs whose presence is duly secured. Special Messengers be deputed for securing the presence of the prosecution witnesses. If deemed necessary, a letter may be written to the Senior Superintendent of Police, concerned,

for getting the needful done for ensuring timely presence of prosecution witnesses; and

- (ii) The prosecution is directed to ensure the presence of all the prosecution witnesses before the trial Court on the dates as may be fixed by the trial Court for recording prosecution evidence. The District Attorney concerned to take necessary steps for the purpose of securing the presence of the remaining prosecution witnesses. Pending application(s), if any, is/are also dismissed.

(GURVINDER SINGH GILL)
JUDGE

(RAMESH KUMARI)
JUDGE

16.03.2026
ravinder

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No

