



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Date of Decision: 24.03.2026

1. CRA-D-805-2022 (O&M)

VICKY MASIH

... APPELLANT

Versus

STATE OF PUNJAB

... RESPONDENT

2. CRA-D-257-2023 (O&M)

GURLAL SINGH @ MALKIT SINGH

... APPELLANT

Versus

STATE OF PUNJAB

... RESPONDENT

**CORAM:- HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJIV BERRY**

Present:- Mr. Kushagra Mahajan, Advocate (Arguing counsel)
for the appellant (in CRA-D-805-2022)

Mr. Naveen Bawa, Advocate
for the appellant (in CRA-D-257-2023)

Mr. Deepender Singh, Addl. Advocate General, Punjab.

SANJIV BERRY, J.

CRM-8719-2023 in CRA-D-257-2023

1. Heard on the application for condonation of delay.
2. Keeping in view the facts and circumstances as mentioned in the application, delay of 331 days in filing of the appeal CRA-D-257-2023 is



allowed for the time being, subject to the final decision to be taken by the Apex Court in the case of 'Sushila Devi & Anr. Vs. Union of India through NIA & Ors.', wherein the question as to whether limitation prescribed under Section 45(2) of the Unlawful Activities (Prevention) Act, 1967 is mandatory or not, is pending consideration.

Main cases

1. Both the aforesaid appeals arising out of the same FIR, as such, the same have been taken up together for disposal.
2. By way of the instant appeals, appellants Vicky Masih and Gurlal Singh @ Malkit Singh have challenged the impugned order dated 26.08.2022 and 20.01.2022 passed by learned Additional Sessions Judge, Amritsar, Punjab whereby applications for regular bail in FIR No.260 dated 11.08.2021 under Sections 336, 427 IPC (later on Sections 3/4/5 of Explosive Substance (Amendment) Act, 2001 and Section 13/16/18/18-B/20 of UAPA were added) registered at Police Station Ajnala, District Amritsar have been dismissed.
3. Arguments advanced by the learned counsel for the appellants as well as learned State counsel have been considered.
4. After considering the rival contentions and perusing the record, it transpires that as per the case of the prosecution, an oil tanker stationed at the petrol pump of the complainant was set on fire on 08.08.2021 at about 11:30 pm. On perusing the CCTV footage it was revealed that one person after scaling the wall had put some explosive substance in the petrol tank of the said tanker and fled away from the spot. After about 5-7 minutes the tanker exploded leading to fire in the tanker. During course of investigation one Rubal Singh was arrested and on the basis of his interrogation appellant Vicky Masih, Gurlal Singh @



Malkit Singh and Gurpreet Singh @ Gopi were arrested in this case on 15.09.2021.

5. After completion of investigation, challan was presented in Court for trial and the charges were framed on 20.05.2023, the prosecution has cited 28 witnesses in the charge-sheet out of which 12 witnesses have been examined and 9 have been given up.

6. Learned counsel for the appellants have submitted that the appellants are innocent and have been falsely implicated in this case and they have no concern whatsoever with the said explosives or the alleged incident. The prosecution is delaying the conclusion of trial which will take sufficient long time as such they prayed for grant of bail by acceptance of the present appeal.

7. On the other hand learned State counsel has strongly assailed these arguments by submitting that the appellants have actively participated in the crime and had planted the explosive in the oil tanker stationed at the petrol pump with a view to cause major damage to the petrol pump, on the instructions of their handlers across the border led by Lakhbir Singh Rode @ Baba ji and one Kasam (a Pakistani national) who were carrying out international terrorist activities in India to create atmosphere of terror. He contends that the appellants were instrumental in planting explosive kept in tiffin box in the oil tanker and exploded the same following the instructions given in the pendrive which was recovered from the possession of appellant Vicky Masih whereas two mobile phones were recovered from appellant Gurlal Singh @ Malkit Singh from which several calls were made to Pakistan to the alleged handlers. He submits that the prosecution trial is nearing the conclusion and no case is made out for grant of bail to the appellants. Hence prayed for dismissal of the present appeals.



8. Considering the above circumstances, it transpires that there had been explosion in the oil tanker stationed at the petrol pump of the complainant on 08.08.2021 at about 11:30 pm. On perusal of CCTV footage, it was found that one clean shaved person scaled the boundary wall and kept explosives in the tanker and left the place followed by an explosion after 5-7 minutes leading to fire in the oil tanker. The appellants were arrested on 15.09.2021 and on the basis of the disclosure statement made by appellant-Vicky Masih, recovery of pen drive was effected from the disclosed place wherein instructions for assembly and explosion of explosive substance kept in tiffin box were given. There are numerous calls to Pakistani numbers from the mobile phones recovered from the appellant-Gurlal Singh @ Malkit Singh. It is also the version of the prosecution that before collecting the explosive substance and the aforesaid pen drive the appellants along with Gurpal @ Gopi had made numerous telephonic calls to Kasam in Pakistan who had transferred around ₹30,000/- in different installments to them. The prosecution had already examined 12 witnesses and given up 9 witnesses out of 28 witnesses which shows that the trial is nearing conclusion.

9. There are serious allegations against the appellants of having actively participated in the crime wherein explosive kept in tiffin box was planted in an oil tanker stationed at petrol pump and the resultant explosion leading to fire in the oil tanker. It was done with a view to cause gross damage to the petrol pump and to create an atmosphere of terror.

10. In view of the serious and grave allegations against the appellants, no case is made out in favour of the appellants for grant of bail.



11. Resultantly, both the appeals preferred by the appellants Vicky Masih and Gurlal Singh Singh @ Malkit Singh are hereby dismissed.
12. Pending application(s) if any shall also stand disposed of.

(SANJIV BERRY)
JUDGE

(SHEEL NAGU)
CHIEF JUSTICE

Dated: 24.03.2026
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |