

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-D-1024-2025

JUDGEMENT RESERVED ON	JUDGEMENT PRONOUNCED ON	OPERATIVE PART PRONOUNCED OR FULL	UPLOADED ON
30.03.2026	22.04.2026	FULL PRONOUNCED	23.04.2026

Gursharan Singh ...Appellant

Versus

State of Punjab ...Respondent

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

Present: Mr. Vikram Satpal Anand, Advocate
For the appellant.

Mr. Akshay Kumar, AAG, Punjab.

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ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Section
90	03.06.2024	Basti Bawa Khel, Jalandhar	307, 386, 387, 120B, 34 IPC and Sections 25, 25(1)(1B)(a) & 27 of Arms Act and Sections 10B, 13, 18, 20 of UA(P) Act

Criminal Case number before the Sessions Court	CNR No.PBJL01-008863-2025
Date of Decision	05.06.2025

1. Aggrieved by the dismissal of regular bail by the Additional Sessions Judge, Jalandhar vide order dated 05.06.2025, the appellant had come before this Court by filing the present appeal under Section 21 of the National Investigation Agency Act 2008, seeking bail in the FIR captioned above.
2. The facts of the case are being taken from the reply dated 9th September 2025 filed by Assistant Commissioner of Police, West, Jalandhar.
3. Initially the FIR was registered based on the statement of one Jitender Singh. He stated that when he was reviewing the security arrangements of their leather complex, where he was working then he could see that a young person who was on the motorcycle, came

towards the front gate of the factory. The person who was sitting on the back seat of the motorcycle started heading towards their office with a pistol in the hand with the intention of killing. After that he fired two shots but the complainant Jatinder Singh sat down and on this the young person split away. Based on this information, initially an FIR was registered for offenses under Sections 307 IPC and Arms Act.

4. The investigation further revealed the involvement of the accused and the police was able to arrest Bhupinder Singh, Gurpreet Singh and Jagroop Singh from Manikaran in Himachal Pradesh and they also recovered a motorcycle from them. During interrogation co-accused Gurpreet Singh informed that the offense was committed at the instance of Lakhvir Singh Landa, Yadvinder Singh @ Yada and Mahabir Singh. He further disclosed that they had supplied them the pistol and the live cartridges out of which, one was fired.

5. After that the owner of the motorcycle was investigated and he identified the motorcycle. The owner of the factory was also investigated and he stated that he had been receiving threat calls from international numbers wherein callers claiming to be Lakhvir Singh Landa, hurled abuses and demanded ransom of Rs. 5-7 crores. The calls recordings were also produced.

6. On 10th June 2024 co-accused Gurpreet Singh further disclosed that under instructions of Lakhvinder Singh Landa, Yadvinder Singh @ Yada and Mahabir Singh, they were tasked to conduct the recce of government buildings, police stations and courts and plan to attack with rocket launchers, hand grenades and ammunitions. Based on this information, the offense under Section 10B, 13 & 18 and 20 of UAPA 1967 was added. The investigation further revealed about involvement of the people, there being gangsters and indulging in anti-India activities. The petitioner was arrested as his name surfaced in the interrogation and the mobile communications. On his arrest he got recovered a pistol and two live cartridges which were found loaded in it. In paragraph number 25, it has been mentioned that one of the main accused Lakhvir Singh is absconding and he is declared a terrorist.

7. The role of the present appellant is mentioned in paragraph #26 of the reply which reads as follows:-

“That it is respectfully submitted that the role of the petitioner, evidence against the petitioner, criminal antecedents of the petitioner, status of trial as well as custody details of the petitioner are given below:

(A) Role of the petitioner:

i) On 10.06.2024 RaghavKohli, owner of the factory, got recorded his statement that he had been receiving threat calls from Lakhbir Singh Landa.

ii) *Vide DDR no.36 dated 13.06.2024 offences under Section 10(B), 13, 18 and 20 of UAPA were added.*

iii) *Co-Accused Jagroop Singh suffered disclosure statement that when Bhupinder Singh and Gurpreet Singh had fired at the factory, he along with co-accused Jashanpreet Singh was standing there on separate motorcycle with intention to intervene if Bhupinder Singh and Gurpreet Singh face hardship.*

iv) *Co-accused Jashanpreet Singh has been nominated as accused on 14.06.2024 vide GD No.23 and he was arrested on 14.06.2024. He has confessed his involvement in the crime.*

v) *Co-accused Jashanpreet Singh disclosure that after the firing incident, the 32 bore pistol used at Kohli Sports Factory, Jalandhar, was taken away by Mahabir Singh. It further transpired that Yadvinder Singh @ Yada, resident of Village Chamba Kala, District Tarn Taran and presently abroad, had instructed two unknown masked persons to deliver two pistols to Gursharan Singh, son of Balwinder Singh, resident of Village Ruriwal, District Tarn Taran. These pistols were found to be in the possession of Gursharan Singh.*

vi) *On the basis of the disclosure co-accused Jashanpreet Singh, present petitioner has been nominated as accused on dated 15.06.2024 and was arrested on 27.06.2024 vide GD No.23 and he has confessed his involvement in the crime.*

vii) *30 Bore Pistol along with 02 live cartridges were recovered as per the disclosure of the petitioner.*

B) The evidence against the petitioner:

i) Statement of complainant.

ii) Recovery of Motorcycle from co-accused.

iii) Recovery of weapon from co-accused.

iv) Disclosure statements of co-accused.

v) Disclosure of petitioner

vi).30 Bore Pistol along with 02 live cartridges were recovered as per the disclosure of the petitioner.

(C) Character Antecedents of the petitioner:

Petitioner is not involved in any other criminal case as per the record.

(D) STATUS OF THE TRIAL:

i. Challan was presented before the learned Trial Court on 06.09.2024.

ii. Charges were framed on 24.01.2025

iii. Total 27 PWs have been cited in the challan.

iv. 03 PWs have been examined

V. Now the case is pending for 10.09.2025 for remaining PWs.”

8. As per paragraph No. 26D that out of 27 witnesses, 03 have been examined. In para 27 it has been explicitly mentioned that the petitioner is an active member of criminal Syndicate operating under the leadership of dreaded gangster Lakhvir Singh @ Landa with proven links to Babbar Khalsa International. His role is not peripheral but central as he not only facilitated the firing incident but also received weapons and extortion money on behalf of the gang. Given the such kind of evidence, appellant is not entitled for bail on merits.

9. On custody, appellant's custody is 01 year, 08 months & 17 days as per the custody certificate dated 18.03.2026 and under no stretch of imagination it can be said to be prolonged, as such appellant is also not entitled for bail on custody.

10. 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.

11. Given above, no ground is made out to interfere with the order of trial Court and the same is upheld. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.
12. Appeal dismissed. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

(SUKHVINDER KAUR)
JUDGE

22.04.2026
Anju rani

Whether speaking/reasoned	YES
Whether reportable	NO