

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-D-1137-2025

JUDGEMENT RESERVED ON	JUDGEMENT PRONOUNCED ON	OPERATIVE PART PRONOUNCED OR FULL	UPLOADED ON
06.03.2026	01.04.2026	FULL PRONOUNCED	01.04.2026

Sukhcharan Singh @ Sukhchain Singh @ Nikka @ Fauji

...Appellant

Versus

State of Punjab

...Respondent

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

Present: Mr. G.S. Minhas, Advocate
for the appellant.

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

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Section
57	16.03.2025	Maqsudan, Jalandhar	3, 4,5 of Explosive Substance Act, 25, 27 of Arms Act and 13, 16, 17, 18, 18-B, 20 of UAPA Act

Criminal Case number before the Sessions Court	BA-4092-2025
Date of Decision	06.06.2025

1. Aggrieved by the dismissal of regular bail by the Additional Sessions Judge, vide order dated 06.06.2025, the appellant had come before this Court by filing the present appeal, seeking bail in the FIR mentioned above.
2. Per paragraph 15 of the appeal, the appellant has no criminal antecedents.
3. The case set up by NIA is that on the intervening night of March 15/16, 2025 one accused Amritpreet Singh took Hardik Kamboj outside the house of the complainant Navdeep Singh @ Roger Sandhu where he lodged the hand grenade towards the balcony of the residential house, however, the hand grenade did not explode.
4. Counsel for the appellant seeks bail on the ground that the appellant has been arraigned as an accused based on the disclosure statement of co-accused.

5. State counsel opposes the bail on the grounds that the appellant had provided the requisite training regarding the use of hand grenade to co-accused Hardik Kamboj and in the opinion of the State, it is not a case where bail should be granted.
6. An analysis of the above arguments would lead to the following outcome.
7. It shall be appropriate to refer to the facts of the case from the reply filed by State counsel which reads as follows:

“3. That it is respectfully submitted that in compliance to the Order dated 13.11.2025 passed by this Hon'ble High Court, the deponent has discussed the matter with the SHO of Police Station Maqsudan and perused the record. The factual matrix of the case is that on 5.03.2025 complainant Sh. Navdeep Singh @ Roger Sandhu son of Gurdeep Singh, resident of village Raipur Rasulpur, Police Station Maqsudan, District Jalandhar (Rural) made a statement to S.I. Balbir Singh, SHO, PS: Maqsudan on allegations that he is engaged as a YouTube Blogger and has established an online identity under the name "Roger Sandhu." He has set up a recording studio within his residential premises. He further stated that he produces and broadcasts content on YouTube.com, including roasting. He is currently residing in the village Raipur Rasulpur, which is the native village of his in-laws. He has been living there for the past 3-4 years and has constructed his own residential house. On the intervening night of 15/16.03.2025, he retired to bed after taking his evening meal. The following morning, upon proceeding to the balcony as per his usual routine, he observed a rounded metallic object lying therein. Feeling threatened by its unexplained presence, he immediately contacted Police Station Maqsudan to report the incident. He has alleged that the aforementioned act was committed by one Shahzad Bhatti, who maintains a social media account under the name "Shehzad Bhatti." It is stated that Shahzad Bhatti had previously approached him with a proposal to participate in a live-streamed match, with the intent of increasing viewer engagement and receiving digital gifts. Upon his refusal to participate, Shahzad Bhatti purportedly began engaging in acts of digital extortion. Subsequently, Shahzad Bhatti allegedly initiated a campaign of false accusations against him and his associates, including claims of propagating content offensive to Islam. It is further alleged that Shahzad Bhatti issued threats to his life and that of his family. He has specifically named Shahzad Bhatti as the individual responsible for placing or throwing the aforementioned rounded metallic object at his residence, with the intent to intimidate and cause fear to him and his family members. On the basis of above information, an FIR was lodged at PS: Maqsudan, for offences under Section 109 BNS, Sections 3, 4,5 of the Explosive Substance Act, 1908 against Shahzad Bhatti Youtuber Blogger.

4. That a Bomb Disposal Team was called at the spot which neutralized a foreign made live Hand Grenade. Vide DDR no.13 dated 17.03.2025 was recorded and besides Section 61(2) BNS, Sections 13, 17 of Unlawful Activities (Prevention) Act, 1967 (UAPA) were added.

5. That the Investigation was launched. The Special Investigation Team (SIT) was constituted under the SP(D), Jalandhar. During the course of investigation, it was found that the WhatsApp group operated by the accused Shahzad Bhatti, was linked to mobile number +92-300041533. Within this group, fifteen mobile numbers were identified

as belonging to Indian nationals. Among these, mobile number 80591-16610 was flagged as suspicious. Based on a confidential input,' one individual, namely appellant/accused Hardik Kamboj, was identified as an accused in the present matter. Accordingly, he was nominated as accused vide DDR No. 26, dated 17.03.2025, and Hardik Kamboj son of Jatinder Kamboj, resident of village Beeta, PS: Bilaspur, District Jamna Nagar, State of Haryana was arrested on the same day. The above mobile number was found to be used by said Hardik Kamboj."

8. It is also appropriate to refer to para no. 15 of the reply which reads as follows:

"A) EVIDENCE AGAINST THE APPELLANT:

i. The appellant/accused Sukhcharan Singh @ Fauji @ Deep was nominated as accused in the present FIR No.57 dated 16.03.2025 on the basis of the disclosure statement of the co-accused Hardik Kamboj.

(B) THE ROLE OF THE APPELLANT:

That the appellant/accused Sukhcharan Singh @ Fauji @ Deep in his disclosure statement dated 17.04.2025 revealed that he came into the contact of co-accused Hardik Kamboj via Social Media Platform namely Instagram. Hardik Kamboj contacted appellant on the said platform and enquired about the use of grenades. The appellant/accused Sukhcharan Singh @ Fauji @ Deep provided the requisite training regarding the use of hand grenade to the co-accused Hardik Kamboj via Instagram using his mobile. The mobile phones used for communication and training by the co-accused Hardik Kamboj and appellant/accused Sukhcharan Singh @ Fauji @ Deep were taken into the custody by the police and the same have been sent to the FSL."

9. A perusal of the impugned order vide which bail was rejected does not suffer from any infirmity and calls for no interference.

10. Regarding bail on the grounds of custody, a perusal of the custody certificate points out that the appellant's custody in the present case is around 11 months. Under no circumstances, the appellant is entitled to bail even on custody.

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. **Appeal stands dismissed.** All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

(SUKHVINDER KAUR)
JUDGE

01.04.2026
Jyoti Sharma

Whether speaking/reasoned	YES
Whether reportable	NO