



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRA-D-1367-2024
Date of Decision: 14.01.2026

Gurvinder Singh @ Gurwinder Singh @ Baba
....Appellant

Versus

State of Punjab
....Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Mitul Singh Rana, Advocate
for the appellant.

Mr. T.P.S. Chawla, Senior Deputy Advocate General, Punjab.

Harsimran Singh Sethi, J. (Oral)

1. This is a first appeal under Section 21 of the National Investigation Act, 2008, for the grant of regular bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) to the appellant, which bail is sought in regard with FIR No.7 dated 16.09.2021 registered under Sections 120-B, 124-A, 153-A, 153-B of IPC read with Sections 17, 18, 20 and 40 of Unlawful Activities (Prevention) Act, 1967, registered at S.A.S Nagar (Intelligence Wing), Mohali.
2. The learned counsel appearing on behalf of the appellant argues that the allegations alleged against the appellant are incorrect and the learned Additional Sessions Judge, S.A.S Nagar (Mohali), vide order dated 09.09.2024, has wrongly dismissed the prayer for the grant of bail to the

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appellant herein.

3. The learned counsel for the appellant concedes that as per the facts brought on record, and the information supplied by appellant during the disclosure statement, certain recoveries were made. Learned counsel further submits that even though said recoveries have been made, the same should not come in the way of the grant of bail to the appellant.

4. Further, the learned counsel submits that another ground taken to deny the bail by the learned Additional Sessions Judge, S.A.S Nagar (Mohali), is that the appellant had received funding of Rs.20 Lakhs from abroad through the representatives of the organisation “Sikhs for Justice” and the same was deposited in his bank account. Learned counsel further submits that the said fact is yet to be proved during the trial and therefore, denying the benefit of bail to the appellant due to said fact was incorrect.

5. The learned counsel for the appellant submits that once no “terrorist act” has been attributed to the appellant, the benefit of bail should have been granted to the appellant and denial of the same is incorrect and therefore, keeping in view the totality of the circumstances, the appellant may kindly be released on regular bail.

6. The learned counsel for the appellant submits that a period of 04 years and 04 months has elapsed and during said period of time out of total of the 32 prosecution witnesses, only 05 prosecution witnesses have been examined as of now and as the trial is likely to take some time, the appellant may be released on regular bail keeping in view the custody period undergone by him.



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7. Learned counsel for the respondent-State submits that once, enough incriminating material was recovered on the basis of the disclosure statement of the appellant, the said aspect *prima facie* shows that he was indulging in unlawful activities, coupled with the fact that the appellant was receiving aid from the banned institutions from abroad, the grant of bail has rightly been declined by the learned Additional Sessions Judge, S.A.S Nagar (Mohali), especially when in case bail is granted to appellant, he can be at flight risk as he is being supported by the agencies situated outside India, who are working against the interest of this Country.

8. We have heard the learned counsel for the appellant as well as the learned State counsel and have gone through the record with their able assistance.

9. The question which arises for consideration is that whether, the bail should be given to the appellant in the facts and circumstances of the present case or not. The factum of recovery of the material, which has been recovered on account of the disclosure statement of the appellant, is not denied. The relevant paragraph regarding the disclosure and the recovery, as stated by the respondent in the affidavit, is as under:-

“VII. That during interrogation on 20.09.2021, the appellant-Gurvinder Singh @ Gurwinder Singh @ Baba suffered his disclosure statement under Section 27 of the Indian Evidence Act and in pursuance thereof, got recovered 3 flag printing wooden frames with Punjab referendum 2020 Khalistan on one frame, Khalistan written on frame and Farmers Solution Khalistan on one small frame and one black coloured bag with Adidas written on it. On checking



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the aforesaid black bag, 2 bottles of paint sprays (Abro), 1 bottle of paint spray (monke), 2 bottles of paint sprays (Cube), 10 yellow colour flags with Farmers Solution Khalistan, 1 blue coloured flag with Punjab referendum 2020 Khalistan written and sign of Khanda embossed upon it, 1 blue coloured flag with Punjab referendum 2020 written and 100 posters with Freedom is the Solution Punjab referendum 2020 Khalistan written were found, which were taken into police possession, in accordance with law.

VIII. *That during interrogation on 21.09.2021, the appellant-Gurvinder Singh @ Gurwinder Singh @ Baba disclosed that he had received funding of Rs.20 lakhs from abroad from the representatives of S.F.J., which he used to deposit in his HDFC bank account No.20100316703300. Accordingly, the said bank account of the appellant-Gurvinder Singh @ Gurwinder Singh @ Baba was got debit-frozen and the bank account statement of the said account was obtained.”*

10. Further, the presence of the appellant at the site in question already matching with the tower locations, as the mobile phone was being used by the appellant at that location. The said factum, has gone unrebutted as of now.

11. Once, such incriminating material including the funding from the foreign agencies, which agencies are banned by India, has already come on record, the question which arises is whether, the grant of bail to the appellant would be in the interest of the citizens of India or not. *Prima facie*, the acts which have been attributable to the appellant coupled with the material recovered from him, this Court feels otherwise. This Court is of the view that



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the release of the appellant will not be in the interest of the citizens of India keeping in view the allegations alleged and material recovered from him.

12. Further, it may be noticed that the evidence with regard to the funding received by the appellant through Forex Western Union from abroad for the work of the agencies, which are banned by India, has also been brought on record. A large sum of amount has been received by the appellant, which *prima facie* go to show, unless rebutted during the evidence, that the appellant was working on the asking/directions of the banned agencies, who are operating from outside India.

13. Once, involvement of such agencies with the appellant is shown , the grant of bail can also result into a flight risk at the hands of the appellant. The trial Court has rightly observed the same while declining the benefit of bail to the appellant in the facts and circumstances of the present case.

14. Further, the learned counsel for the appellant has argued that the appellant was not indulging in “terrorist act” so as to be kept behind bar.

15. Recently, the definition of “terrorist act”, has been given by the Hon’ble Supreme Court of India while passing order in “***Gulfisha Fatima vs. State (Govt. of NCT of Delhi)***”, 2026 SCC Online SC 10. The view of the Hon’ble Supreme Court of India is as under:-

“85. *In this backdrop, and before proceeding to an accused-specific evaluation of the material on record, it becomes necessary to clarify the statutory meaning and setting of Section 15. The prima facie satisfaction contemplated by Section 43D(5) is not a matter of impression or gravity alone; it is a satisfaction referable to defined statutory ingredients. Unless the legal contours of the offence*



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alleged are first identified, the subsequent assessment of individual role risks proceeding without a clear statutory reference point, and may result in either an unduly restrictive or an unduly expansive application of the threshold. It is for this reason that the Court considers it appropriate to briefly notice the scope of Section 15, and its inter-relationship with allied provisions, so that the analysis which follows proceeds on a clear legal foundation and is thereafter applied, with the necessary care and precision, to each appellant individually.

86. *Section 15 of the Act defines what constitutes a “terrorist act” for the purposes of the statute. The definition is structured around two essential elements. First, the act must be done with intent to threaten, or be likely to threaten, the unity, integrity, security, including economic security, or sovereignty of India, or with intent to strike terror in the people or any section thereof. Second, the act must be of such a nature as to cause, or be likely to cause, the consequences enumerated in the provision.*
87. *The means by which such acts may be committed are not confined to the use of bombs, explosives, firearms, or other conventional weapons alone. Parliament has consciously employed the expression “by any other means of whatever nature”, which expression cannot be rendered otiose. The statutory emphasis is thus not solely on the instrumentality employed, but on the design, intent, and effect of the act. To construe Section 15 as limited only to conventional modes of violence would be to unduly narrow the provision, contrary to its plain language.*
88. *The consequences contemplated under Section 15 further illuminate the legislative understanding of terrorism. Apart from death or destruction of property, the provision*



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expressly encompasses acts which disrupt supplies or services essential to the life of the community, as well as acts which threaten the economic security of the nation. This reflects Parliament's recognition that threats to sovereignty and security may arise through conduct that destabilises civic life or societal functioning, even in the absence of immediate physical violence.

89. *The Act further recognises that such acts may be the result of collective and coordinated effort. Section 18 makes punishable conspiracy, attempt, abetment, advice, incitement, and knowing facilitation of a terrorist act, as also acts preparatory to its commission. The statutory scheme thus contemplates that terrorist activity may involve multiple actors performing different roles towards a common unlawful objective.*
90. *Read together, Sections 15 and 18 disclose a legislative design wherein Section 15 defines the nature of acts which Parliament has characterised as terrorist acts, while Section 18 ensures that criminal liability is not confined only to the final execution, but extends to those who contribute to the commission of such acts through planning, coordination, mobilisation, or other forms of concerted action. Whether particular conduct ultimately attracts Section 15 directly, or Section 18 read with Section 15, depends upon the role attributed and the statutory ingredients alleged to be satisfied.”*

16. Hence, the acts which have been attributed to the appellant coupled with the material recovered, are squarely covered by the views expressed by the Hon’ble Supreme Court of India on the said aspect and therefore, the argument of the learned counsel for the appellant that the

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appellant is not involved in the “terrorist act”, *prima facie* cannot be accepted, subject to any evidence to be led by the appellant.

17. The last issue raised by the learned counsel for the appellant is that the appellant is behind bar for the last more than 04 years.

18. It may be noticed that once the allegations are such, coupled with the fact that the material witnesses are yet to be examined and the release of the appellant would result into flight risk, keeping in view the gravity of the allegations alleged and the material recovered from the appellant on his disclosure statement, in totality, no ground is made out for the grant of benefit of regular bail to the appellant at this stage.

19. No other argument has been raised.

20. Accordingly, the present appeal is dismissed.

21. Pending application(s), if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

January 14, 2026*Varinder*

Whether speaking/reasoned : Yes

Whether reportable : No