

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

2026:PI II IC:041297-DB



CRA-D-1236-2025 (O&M)
Date of Decision:-16.03.2026

Baljit Kaur

... Appellant

versus

State of Punjab

... Respondent

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL
HON'BLE MRS. JUSTICE RAMESH KUMARI.**

Present:- Mr. G.S.Randhawa, Advocate, for the appellant.

Mr. Siddharth Atttri, Assistant Advocate General,
Punjab with SI Nishan Singh.

RAMESH KUMARI, J.**CM No. 36926 of 2025**

For the reasons mentioned in the application, delay of 11 days in
filing the appeal is condoned. Application stands disposed of.

CRA-D-1236 of 2025

1. Appellant-Baljit Kaur assails the order dated 01.08.2025 passed by the Court of learned Additional Sessions Judge, Gurdaspur, vide which the learned trial Court dismissed the application filed by appellant seeking regular bail in respect of a case arising out of FIR No. 8 dated 17.02.2025 under Sections 109, 324(4) and 61(2) of the Bharatiya Nyaya Sanhita-2023 and Sections 3,4 and 5 of the Explosive Substances Act, 1908 and under Sections 13,16,17, 18, 18(B) and 20 of the Unlawful Activity of Prevention Act, (for short 'UAPA'), registered at Police Station Kotli Surat, Malhi.

2. The translated gist of the FIR recorded on the statement of Sub Inspector Jagjit Singh, reads as under:-

“Today, when I was present at Adda Shikar Machhiyan in search of anti-social persons, a secret informer informed me that today at around 08:10 PM, some unknown motorcyclists dropped some explosive substance at the house of Sukhdev Singh son of Puran Singh, resident of Raimal with an intention of kill him and thereby caused an explosion, which resulted in damage to his house. Since, by doing so these unknown persons have committed offence punishable u/ss 109, 324(4) BNS & Sections 3, 4, 5 of the EXPLOSIVE ACT 1908, intimation is being sent to the Police Station for registration of FIR. Sd/- Jasjit Singh, SI/SHO, P.S. Kotli Surat Malli.”

3. Short reply by way of affidavit of Shri Joga Singh, PPS, Deputy Superintendent of Police, Sub Division Dera Baba Nanak, Police District Batala has been filed by learned State counsel today in Court, which is taken on record.
4. Learned counsel for the appellant submitted that the appellant is nowhere named in the FIR and is sought to be nominated on the basis of a string of disclosure statements. It has further been submitted that, in any case, during the course of investigation, nothing incriminatory was recovered from her possession.
5. On the other hand, learned State counsel submitted that during the course of investigation, sufficient evidence has been collected to show the complicity of the appellant. Learned State counsel pointed out that the appellant is the mother of co-accused Ravinder Singh. Co-accused Mohit and Vishal Bhatti are associates of co-accused Ravinder Singh. The appellant knew co-accused Mohit and Vishal Bhatti as they visited the house of co-accused Ravinder Singh son of the appellant in connection with a criminal conspiracy. The

criminal conspiracy was discussed in the house of the appellant and her residence served as a meeting point and safe shelter for hatching a conspiracy where a plan of throwing grenade at the house of Pappu Jaintipuria was discussed and finalized.

6. We have considered the rival submissions addressed before this Court.
7. The entire case against the appellant is based on disclosure statement of co-accused Mohit son of Jaspal, who in his disclosure statement stated that:-

“On 15.01.2025, I was at my house when my neighbour Ravinder Singh came to me and said that one of his friends who had returned from abroad was to be met and asked me to accompany him. I sat on Ravinder Singh’s black Splendor motor cycle and we proceeded towards village NawaPind. On the way, Ravinder Singh told me that we had to throw a bomb at the house of Pappu Jaintipuria, a liquor trader, in village Jaintipur. I became frightened but Ravinder Singh assured me that there was nothing to fear, no one would come to know, and that we would get Rs. 20000/- to Rs. 25,000/- in return. I only had to drive the motor cycle. I agreed.”

He further disclosed that he was called by co-accused Ravinder Singh at his house where his brother, sister and mother were already present. In their presence, he planned to execute the plan of throwing grenade attack. He further stated that the family of Ravinder Singh was aware about the conspiracy and the plan. On 15.01.2025, co-accused Ravinder Singh and Vishal Bhatti went on the motor cycle which was driven by Ravinder Singh and threw a grenade at the house of Pappu Jaintipuria which exploded. Thereafter, co-accused Ravinder Singh went abroad without informing him.

8. Appellant Baljit Kaur along with co-accused Vishal Bhatti and Ravinder Singh were nominated in the present FIR on the basis of said disclosure

statement of co-accused Mohit son of Jaspal vide DDR No. 13 dated 28.02.2025.

9. During investigation, co-accused Vishal Bhatti was arrested and his disclosure statement was also recorded. He also stated that co-accused Ravinder Singh introduced him to co-accused Mohit. On 14.01.2025, co-accused Vishal Bhatti visited the house of Ravinder Singh where Mohit, Rajbir Singh alias Raja were already present there. Ravinder Singh informed him that he had received a call from Happy Passian, who told him that a bomb had to be thrown at the house of Pappu Jaintipuria and in return they would receive a sum of Rs. 50000/- each. At that time, his mother Baljit Kaur (appellant), his sister and brother-in-law were present in the house. On 15.01.2025, he remained in the house of Ravinder Singh. The house of Pappu Jaintipuria was identified by co-accused Ravinder Singh and Rajbir Singh. When they reached the house of Pappu Jaintipuria in village Jaintipur, Ravinder Singh threw the hand grenade, which caused a very powerful explosion. After the incident, co-accused Ravinder Singh went abroad.
10. Thus, allegation against the appellant is that she being the mother of co-accused Ravinder Singh had prior knowledge of the criminal conspiracy and she provided shelter for execution of the terrorist acts as disclosed by co-accused Mohit and Vishal Bhatti in their disclosure statements.
11. We have also gone through Sub Section 5 of Section 43-D of UAPA which creates an embargo on grant of bail. This Sub Section reads as under:-

“ 43-D. Modified application of certain provisions of the Code.—

.....

(5) Notwithstanding anything contained in the Code, no person accused of an offence punishable under Chapters IV and VI of this Act shall, if in custody, 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.....”.

12. Offences punishable under Section 13, 16, 17, 18, 18-B and 20 of UAPA have been alleged against the appellant.

Section 13 of UAPA reads as under:-

“13. Punishment for unlawful activities.—

(1) Whoever— (a) takes part in or commits, or (b) advocates, abets, advises or incites the commission of, any unlawful activity, shall be punishable with imprisonment for a term which may extend to seven years and shall also be liable to fine.

(2) Whoever, in any way, assists any unlawful activity of any association, declared unlawful under section 3, after the notification by which it has been so declared has become effective under sub-section (3) of that section, shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

(3) Nothing in this section shall apply to any treaty, agreement or convention entered into between the Government of India and the Government of any other country or to any negotiations therefor carried on by any person authorised in this behalf by the Government of India.”

The term unlawful activity has been defined in Section 2(o), which reads thus:

“2 Definitions.—.....

(o) “unlawful activity”, in relation to an individual or association, means any action taken by such individual or association (whether by committing an act or by

words, either spoken or written, or by signs or by visible representation or otherwise),—

(i) which is intended, or supports any claim, to bring about, on any ground whatsoever, the Page 17 of 22 Criminal Appeal No. 3173 of 2024 cession of a part of the territory of India or the secession of a part of the territory of India from the Union, or which incites any individual or group of individuals to bring about such cession or secession; or

(ii) which disclaims, questions, disrupts or is intended to disrupt the sovereignty and territorial integrity of India; or

(iii) which causes or is intended to cause disaffection against India;”

Sections 16, 17, 18 and 18B of UAPA read thus:

“16. Punishment for terrorist act.—*(1) Whoever commits a terrorist act shall,—*

(a) if such act has resulted in the death of any person, be punishable with death or imprisonment for life, and shall also be liable to fine;

(b) in any other case, be punishable with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life, and shall also be liable to fine.”

“17. Punishment for raising funds for terrorist act.—

Whoever, in India or in a foreign country, directly or indirectly, raises or provides funds or collects funds, whether from a legitimate or illegitimate source, from any person or persons or attempts to provide to, or raises or collects funds for any person or persons, knowing that such funds are likely to be used, in full or in part by such person or persons or by a terrorist organisation or by a terrorist gang or by an individual terrorist to commit a terrorist act, notwithstanding whether such funds were actually used or not for commission of such act, shall be punishable with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life, and shall also be liable to fine.

Explanation.—For the purpose of this section,—

(a) participating, organising or directing in any of the acts stated therein shall constitute an offence;

(b) raising funds shall include raising or collecting or providing funds through production or smuggling or circulation of high quality counterfeit Indian currency; and

(c) raising or collecting or providing funds, in any manner for the benefit of, or, to an individual terrorist, terrorist gang or terrorist organisation for the purpose not specifically covered under section 15 shall also be construed as an offence.”

“18. Punishment for conspiracy, etc.—*Whoever conspires or attempts to commit, or advocates, abets, advises or 3[incites, directly or knowingly facilitates] the commission of, a terrorist act or any act preparatory to the commission of a terrorist act, shall be punishable with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life, and shall also be liable to fine.”*

“18B. Punishment for recruiting of any person or persons for terrorist act.—*Whoever recruits or causes to be recruited any person or persons for commission of a terrorist act shall be punishable with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life, and shall also be liable to fine.”*

13. The allegation against the appellant Baljit Kaur is that a conspiracy to throw a grenade on the house of Pappu Jaintipuria in village Jaintipur was planned in her house in her presence. There is no evidence to show that appellant was ever in touch with any of the co-accused. There is nothing on record which shows that appellant Baljit Kaur had taken any part or committed unlawful activities as defined in UAPA. There are no allegations against her that she advocated, abetted, or incited commission of any unlawful activities. Even if assuming that co-accused threw a grenade on the house of Pappu Jainatpuria

and conspiracy to indulge in that activity was hatched in her house, there is nothing on record that she was party to that conspiracy.

14. Section 20 of UAPA, stipulates punishment for being member of terrorist gang or organization. This Section reads thus:

“20. Punishment for being member of terrorist gang or organisation.—Any person who is a member of a terrorist gang or a terrorist organisation, which is involved in terrorist act, shall be punishable with imprisonment for a term which may extend to imprisonment for life, and shall also be liable to fine.”

Terrorist gang has been defined in Section 2(L), which reads thus:

“2 Definitions.—.....

L “terrorist gang” means any association, other than terrorist organisation, whether systematic or otherwise, which is concerned with, or involved in, terrorist act;”

15. There are no allegations on record that the appellant was a member of any terrorist gang. As regards the second part of being a member of a terrorist organisation, as per Section 2(m), a terrorist organisation means an organisation listed in the first schedule or an organisation operating under the same name as the organisation was listed. The reply submitted by the learned State counsel does not mention the name of the terrorist organisation within the meaning of Section 2(m) of which the appellant was a member.
16. Appellant is a lady aged about 47 years and is a house wife, has no criminal antecedents and clean record and happens to be the mother of co-accused Ravinder Singh, who is absconding. Apart from the disclosure statement of co-accused Mohit and Vishal Bhatti, there is no evidence to connect the appellant with the offences in question against co-accused.

17. The custody certificate placed on record by the learned State counsel reflects that the appellant was arrested on 03.03.2025 and since then she is in custody and has spent more than one year in custody. Challan against her as well as co-accused has already been presented in the trial Court on 25.08.2025 and charges have been framed on 03.12.2025 and presently the case is posted for prosecution evidence on 23.03.2026.
18. Having regard to the aforesaid facts and circumstances, we find that the veracity and evidentiary value of the disclosure statements of co-accused Mohit and Vishal Bhatti against the appellant, yet to be tested during trial. Therefore, without commenting upon the merits of the case, it is a fit case for grant of concession of regular bail to the appellant Baljit Kaur.
19. In view of above observations, the impugned order is set aside and the instant appeal, as such, is accepted. The appellant is ordered to be released on regular bail subject to her furnishing bail bonds to the satisfaction of the learned trial Court/Illaq Magistrate/Duty Magistrate.
20. Needless to observe that the observations recorded hereinabove are only for the determination of appeal seeking bail. The reasons are confined to the case of the appellant pertaining to bail and same shall have no bearing on the merits of the trial pending before the trial Court.
21. Since the trial is pending for recording the evidence of the prosecution witnesses, 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.

(GURVINDER SINGH GILL)
JUDGE

(RAMESH KUMARI)
JUDGE

16.03.2026
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Whether speaking/reasoned	√Yes/No
Whether reportable	√Yes/No