

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-D-1277-2025 (O&M)

JUDGEMENT RESERVED ON	JUDGEMENT PRONOUNCED ON	OPERATIVE PART PRONOUNCED OR FULL	UPLOADED ON
12.01.2026	06.02.2026	FULL PRONOUNCED	06.02.2026

Harvir Singh ...Appellant

Versus

State of Haryana ...Respondent

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

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

Mr. Atul Gaur, AAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Section
229	29.04.2022	City Thanesar, Kurukshetra	13 of Unlawful Activities (Prevention) Act 1967 and Sections 120-B, 124-A & 153-B IPC

Criminal Case number before the Sessions Court	CNR No.HRKU01-004927-2025
Date of Decision	14.07.2025

1. Aggrieved by the dismissal of regular bail by the Additional Sessions Judge, Kurukshetra vide order dated 14.07.2025, the appellant had come up before this Court by filing the present appeal under Section 21 of National Investigation Agency Act 2008.
2. Per paragraph 10 of the reply filed by the State as well as para 12 of the appeal, the appellant has the following criminal antecedents:-

Sr. No.	FIR	Dated	Police Station	Sections
1	739	2022	Shahbad, District Kurukshetra	4/5 of Explosive Substance Act and Sections 201, 120 IPC, 13/18/20 of

			(Haryana)	Unlawful Activities Act
2	81	2023	Ismailabad, District Kurukshetra (Haryana)	120B, 153B IPC and 13 of Unlawful Activities Act
3	48	2023	GRP, Kurukshetra (Haryana)	120B, 153B, 124A IPC and 13 of Unlawful Activities Act
4	13	2023	Sadar Thanesar, district Kurukshetra (Haryana)	120B, 148, 149, 201, 216, 307, 323, 379B IPC and 16 of Unlawful Activities Act
5	77	2022	Dharamshala, District Kangra (Himachal Pradesh)	153-A, 153-B IPC, Section 3 of HPOP Prevention and Disfigurement Act 1985 and Section 13-A of Unlawful Activities (Prevention) Act 1967

3. The appellant’s counsel submits that the appellant would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the appellant repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and to which the appellant shall have no objection.
4. The State’s counsel opposes the bail.
5. Facts of the case are being taken from the reply filed by the State, which reads as under:-

“.... a case bearing FIR No. 229 dated 29.04.2022 U/s 153B, 124A, 120B IPC and 13 unlawful activities prevention Act, 1967, Police Station City, Thanesar was registered on complaint of Constable Shrawan Kumar, posted as Driver on ERV Vehicle No. HR-99-0441, Police Station City, Thanesar, District Kurukshetra in which he has alleged that: "He found white sheet outside the residence of DSP, Kurukshetra near District Jail, Kurukshetra in which the word Khalistan was written in Punjabi. It is further submitted that Shrawan Kumar complainant along with fellow employees HC Rajesh Kumar, SPO Gurmeet Singh were also with him. On 28.04.2022, SHO, has informed that on night 28/29.04.2022, the flag of Khalistan can be hoisted and banners can be put up at Janmat Sikht for justice District Secretariat or Government building and all police personnel or officers are on duty in this regard. It is further submitted that Today morning around 7 o'clock I was going to the police line for fresh after leaving my colleagues at the duty point. When I reached the residence of Deputy Superintendent of Police, Kurukshetra District Jail, I saw that outside the residence of Deputy Superintendent of Police, Kurukshetra, between the board and the electric pole attached to it, a white sheet was hanging on which Punjabi was written. I came across a passerby who told me that 'Khalisthan' was written in Punjabi. The board was tied to the pole with plastic ropes from the top two corners of this white sheet. Which I opened at that very moment so that caste based hatred or prejudice does not spread among the common people and

illegal activities do not flourish. On these allegations the above noted FIR was registered against the accused person.”

6. A perusal of the reply reveals that the appellant-accused was arrested on May 30, 2022 and his primary evidence against the accused is disclosure statement, pursuant to which, from him a spray paint cane was recovered along with four currency notes of Rs.500. However, there is no evidence that same paint was used to write slogan. Further, cash recovered i.e. Rs.2,000/- is such a petty amount, which people usually keep for their day-to-day expenses and no other inference should be drawn for keeping such a petty amount.

7. Although the appellant has previous record of FIRs registered against him, but the appellant through his counsel undertakes not to indulge in any Anti-India activity and also that he would not cross the limits of his speech and expression beyond what is permitted under Article 19 of the Constitution of India.

8. Considering the entire facts and the pre-trial custody, which on the face of it, is excessive for the purpose of pre-trial custody and the undertaking given by the appellant through counsel, we are of the considered opinion that his further custody is not required.

9. The appellant has undertaken to abide by the undertakings made by him through his counsel to the Court as have been recorded in the beginning of this order.

10. The discussion is only for analyzing appeal for bail and shall not be referred to for charges and trial, which shall be on its own merits, without referring to this order.

11. Without commenting on the case's merits, in the facts and circumstances unique and peculiar to this case, and for the reasons mentioned above, the appellant makes a case for bail.

12. Given the above, provided the appellant is not required in any other case, the appellant shall be released on bail in the FIR captioned above, subject to furnishing bonds of Rs.1 lac to the satisfaction of the concerned trial Court and due to unavailability before any nearest Ilaqa Magistrate or duty Magistrate.

13. The appellant shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The appellant shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

14. The appellant shall not seek any unnecessary adjournment and if he does so, State shall have a right to apply for cancellation of bail.

15. The appellant shall mention his current address, phone number, e-mail if any and present address, native address and in case of change, he shall inform the SHO of the police station concerned through a registered letter by mentioning case number. Additionally, he shall also inform the concerned Court before whom the bonds were furnished.

16. Given the background of allegations against the appellant, it becomes paramount to protect the members of society as well as integrity of country, and incapacitating the accused would be one of the primary options until the filing of the closure report, discharge, or acquittal. Consequently, it would be appropriate to restrict the possession of firearms. [This restriction is being imposed based on the preponderance of evidence of probability and not of evidence of certainty, i.e., beyond a reasonable doubt; and as such, it is not to be construed as an intermediate sanction]. Given the nature of the allegations and the other circumstances peculiar to this case, the appellant shall surrender all weapons, firearms, and ammunition, if any, along with the arms license to the concerned authority within fifteen days from release from prison and inform the Investigator about the compliance. However, subject to the Indian Arms Act, 1959, the appellant shall be entitled to renew and take it back in case of acquittal in this case, provided otherwise permissible in the concerned rules. Restricting firearms would instill confidence in society; it would also restrain the accused from influencing the witnesses and repeating the offense.

17. The conditions mentioned above imposed by this court are to endeavor to reform and ensure the accused does not repeat the offense. In Mohammed Zubair v. State of NCT of Delhi, 2022:INSC:735 [Para 28], Writ Petition (Criminal) No 279 of 2022, Para 29, decided on July 20, 2022, A Three-Judge bench of Hon'ble Supreme Court holds that "The bail conditions imposed by the Court must not only have a nexus to the purpose that they seek to serve but must also be proportional to the purpose of imposing them. The courts, while imposing bail conditions must balance the liberty of the accused and the necessity of a fair trial. While doing so, conditions that would result in the deprivation of rights and liberties must be eschewed."

18. In Md. Tajiur Rahaman v. The State of West Bengal, decided on 08-Nov-2024, SLP (Crl) 12225-2024, Hon'ble Supreme Court holds in Para 7, "It goes without saying that if the petitioner is found involved in such like offence in future, the concession of bail granted to him today will liable to be withdrawn and the petitioner is bound to face the necessary consequences."

19. This bail is conditional, with the foundational condition being that if the appellant repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State shall file an application to revoke this bail before the trial Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and as per their discretion, they may cancel this bail.

20. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

21. It is clarified that this bail order shall not be considered as a blanket bail order in any other matter and is only limited to granting bail in the FIR mentioned above.

22. In Amit Rana v. State of Haryana, CRM-18469-2025 [in CRA-D-123-2020, decided on 05.08.2025], a Division Bench of Punjab and Haryana High Court in paragraph 13, holds that “To ensure that every person in judicial custody who has been granted bail or whose sentence has been suspended gets back their liberty without any delay, it is appropriate that whenever the bail order or the orders of suspension of sentence are not immediately sent by the Registry, computer systems, or Public Prosecutor, then in such a situation, to facilitate the immediate restoration of the liberty granted by any Court, the downloaded copies of all such orders, subject to verification, must be accepted by the Court before whom the bail bonds are furnished.”

23. Appeal allowed in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

(SUKHVINDER KAUR)
JUDGE

06.02.2026
Anju rani

Whether speaking/reasoned	YES
Whether reportable	NO