

**CRA-D-1636-2025 (O&M)****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRA-D-1636-2025 (O&M)
Date of decision: 29.04.2026****HARSIMRANJIT SINGH @ SIMMA ...APPELLANT****VERSUS****STATE OF PUNJAB ...RESPONDENT****CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL
HON'BLE MRS. JUSTICE RAMESH KUMARI****Present: Mr. Randeep S. Waraich, Advocate for the appellant.****Mr. Siddharth Attri, AAG, Punjab.*************RAMESH KUMARI, J. (ORAL)**

1. The appellant has challenged the order dated 02.12.2025 passed by the learned Special Court, Ludhiana, whereby his bail application in case arising out of FIR No.192 dated 05.12.2022, registered under Section 25 of the Arms Act (offences under Section 386, 384, 506, 473, 120-B IPC and Sections 17, 18, 20 of the Unlawful Activities (Prevention) Act, 1967 (for short 'UAPA') added later on) at Police Station City Khanna, District Ludhiana has been dismissed.
2. Learned counsel for the appellant submits that the appellant has been falsely implicated in the present case. He was not named in the FIR and has been arraigned as an accused on the basis of the disclosure statements made by the co-accused, namely, Mohinder Verma and Ramesh, while they were in custody, which are not admissible in evidence. Learned counsel further

**CRA-D-1636-2025 (O&M)**

submits that the alleged recovery has been planted upon the appellant. Learned counsel further submits that the co-accused, namely, Parveen Kumar, Waris Ali, Sarabjot Singh @ Sabhi Sandhu and Shamsheer Singh @ Shera had already been granted the concession of regular bail by the Coordinate Bench of this Court. Hence, he prays for the grant of regular bail to the appellant on the ground of parity.

3. Opposing the application, learned State counsel submits that on 05.12.2022, Mahinder Verma @ DK, son of Ram Charan Verma, and Ramesh, son of Sarwan Ram, were arrested on the basis of suspicion by SI Harwinder Singh. Upon their personal search, a country-made .32 bore pistol and eight live cartridges were recovered from the co-accused Mahinder Verma @ DK. A country-made .315 bore pistol along with two live cartridges was recovered from co-accused Ramesh. Consequently, FIR No. 192 dated 05.12.2022 was registered. On the basis of the disclosure statements of these two accused, more accused were also arrested. The present appellant was also arrested on the basis of the disclosure statements of the co-accused, namely, Mohinder Verma and Ramesh.
4. Learned State counsel has filed the custody certificate of the appellant in the Court today and the same is taken on record. As per the custody certificate, since his arrest on 18.12.2022, the appellant is in custody. Learned State counsel further submits that the challan has since been presented against the appellant and the co-accused, and that, out of a total 62 cited prosecution witnesses, the examination-in-chief of two witnesses has been recorded so far.

**CRA-D-1636-2025 (O&M)**

5. We have considered the rival submissions addressed before this Court.
6. The main allegation against the present appellant is that, he is truck driver, and on the instructions of Amrit Bal, he used to bring pistols from his associates at Palli (Rajasthan) while returning from Gujarat and sometimes Amrit Bal himself used to supply pistols to the appellant, who was a friend of co-accused, Daljit Kaur @ Mano and directed the appellant to deliver the same to other persons by passing on the details of such persons and he handed over these pistols to co-accused Daljit Kaur @ Mano directly.
7. During investigation, one .32 bore pistol, 10 live cartridges, a Splendor motorcycle, and a letter pad of Babbar Khalsa International were recovered from the appellant. He has already undergone actual custody for a period of 3 years, 3 months, and 29 days and he is involved in three other cases. The allegations against the appellant/accused are subject matter of trial. The co-accused, namely, Parveen Kumar, Waris Ali, Sarabjot Singh @ Sabhi Sandhu and Shamsher Singh @ Shera had been granted concession of regular bail.
8. Having regard to facts and circumstances of the case, particularly the stage of the case and the period of custody already undergone and also bearing in mind that identically situated co-accused have already been granted bail, the instant appeal is accepted and appeal is allowed and appellant is ordered to be released on regular bail subject to following conditions:
 - (i) He shall furnish bond of ₹1 lakh with two sureties of ₹1 lakh each;
 - (ii) He shall surrender his passport in the Trial Court, if he is holding the same and is still with him;

**CRA-D-1636-2025 (O&M)**

- (iii) He shall appear before Trial Court on each and every date unless exempted by Court;
- (iv) He shall appear before the Investigating Officer as and when summoned;
- v) He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or who is cited as witness;
- vi) He shall not involve in any criminal activity and if during the pendency of trial, he is found involved in commission of any offence punishable under UAPA, the prosecuting agency would be free to approach this court for recalling this order and cancellation of his bail;
- vii) He shall not sell, transfer or in any other manner create third party right over his immovable property;
- viii) He shall furnish an undertaking to the effect that in case of her absence, Trial Court may proceed with trial and she shall not claim re-examination of any witness.
- ix) At the time of release of the appellant, the concerned SHO shall be informed. He shall appear before the SHO on every alternate Monday till the conclusion of the trial.

9. In the event there is a breach of any of the abovementioned conditions, or of the conditions to be imposed by the Trial Court independently, it would be open to the prosecution to seek cancellation of the bail of the defaulting appellant without any further reference to this Court. Similarly, if the appellant seeks to threaten or otherwise influence any of the witnesses,

**CRA-D-1636-2025 (O&M)**

whether directly or indirectly, then also the prosecution shall be at liberty to seek cancellation of bail of the concerned appellant by making appropriate application before the Trial Court.

10. Needless to observe that the observations made hereinabove are only for the determination of appeal seeking bail and shall have no bearing on the merits of the trial pending before the trial Court.
11. Pending application, if any, shall stand disposed of accordingly.

[GURVINDER SINGH GILL]
JUDGE

[RAMESH KUMARI]
JUDGE

29.04.2026

renubala

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No