



**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRA-D-1678-2025 (O&M)
Date of Decision:- 29.01.2026

Rafi ... Appellant

Versus

State of Punjab ... Respondent

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

Present:- Mr. Fariad Singh Virk, Advocate, for the appellant.
Mr. Adeshwar Singh Pannu, AAG, Punjab.

FIR NO.	DATE	POLICE STATION	OFFENCES
192	05.12.2022	City Khanna, District Ludhiana	25 of Arms Act (Sections 384, 386, 173, 506, 473, 120-B IPC and Sections 17, 18 & 20 of Un-lawful Acitivities (Prevention) Act, 1967 added later on)

GURVINDER SINGH GILL, J. (Oral)

1. The appellant assails the order dated 06.12.2025 passed by the Judge, Special Court, Ludhiana vide which his application seeking grant of bail in respect of aforementioned FIR had been dismissed.
2. The case of the prosecution, in nutshell is that two persons namely Mahinder Verma and Ramesh were apprehended by the police on 05.12.2022 under suspicious circumstances. Upon interrogation of Mahinder Verma on



08.12.2022 disclosed that he (Mahinder), Ramesh and Waris Ali had been hired by Amritpal Singh @ Amrit Bal to kill Kuldeep Kumar.

3. Learned counsel for the appellant submits that apart from the aforesaid disclosure statement, there is no other evidence worth credence to substantiate the alleged disclosure statement made by co-accused which in any case would not be admissible in evidence particularly when there is no other corroborative evidence.
4. Learned counsel for the appellant further submits that in any case since an identically situated co-accused namely Waris Ali who had also been nominated on the basis of disclosure statement of Mahinder Verma has already been extended the concession of regular bail, the appellant also deserves the same concession on the ground of parity.
5. Opposing the appeal, the learned State counsel submitted that it is a case where apart from the disclosure statement, the complicity of the appellant would be evident from the fact that he stands convicted in one more case for offence punishable under Sections 420, 489-A IPC. Upon a query made by this Court, learned State counsel has informed that out of the cited 62 prosecution witnesses, examination-in-chief of only one witness has been recorded till date. Learned State counsel has today filed custody certificate of the appellant which endorses the fact that the appellant has been behind bars for the last 3 years and 12 days.
6. We have considered rival submissions addressed before this Court.
7. It will indeed be debatable as to whether the disclosure statement stated to have been made by co-accused against the appellant on the basis of which he



came to be nominated would be admissible in evidence particularly when there is no other corroborative evidence to substantiate such disclosure statement. In any case, the appellant has been behind bars for a substantial period of 3 years and 12 days and would also be entitled for concession of bail on the ground of parity given the fact that identically situated co-accused Waris Ali who was also nominated on the basis of disclosure statement made by same Mahinder Verma has already been granted the concession of regular bail. Consequently the appeal is allowed and the appellant is ordered to be released on regular bail subject to following conditions besides furnishing of requisite bail bonds to the satisfaction of the trial Court/Duty Magistrate concerned:-

- (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;
- (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 their absence, Trial Court may proceed with trial and he 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.
8. In the event there is a breach of any of the above mentioned 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, 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.
9. Needless to observe that the observations made herein-above 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.

(GURVINDER SINGH GILL)
JUDGE

(RAMESH KUMARI)
JUDGE

29.01.2026
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Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No