

DATE OF DECISION: JULY 10, 2026

...Appellant

Versus

...Respondent

1.	The date when the judgment is reserved	22.05.2026
2.	The date when the judgment is pronounced	10.07.2026
3.	The date when the judgment is uploaded	14.07.2026
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any of the pronouncement of full judgment, and reasons thereof	Not applicable

**CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MS. JUSTICE LAPITA BANERJI**

Present : Mr. Pratham Sethi, Advocate,
For the appellant.

Mr. Manish Bansal, Public Prosecutor with
Mr. Ankur Bali, Additional Public Prosecutor and
Ms. Diksha Sharma, Advocate,
For respondent-U.T. Chandigarh

LAPITA BANERJI, J.

The appellant has challenged the order dated July 16, 2024, passed by Special Judge, NIA Court, Chandigarh, whereby his bail application in FIR No.29 of 26.02.2024 registered under Section 25,54,59 of the Arms Act, 1959, Sections 419, 471, 201, 120-B of Indian Penal Code, 1860 (hereinafter referred to as “IPC”) and Sections 17, 18,



18-B, 20 of The Unlawful Activities (Prevention) Act, 1967 (hereinafter referred to as “the UAPA”), at Police Station Sector-36, Chandigarh, has been dismissed.

2. Learned counsel for the appellant submits that although it has been alleged that the appellant was involved in unlawful activities under the UAPA, but except for recovery of two mobile phones, no other incriminating material has been alleged to have recovered from him. There was no legally admissible material on record to establish the involvement of appellant with any “*designated terrorist*” which could even suggest that the accused has committed an offence under the UAPA.

3. He argued that the case of prosecution, at best, was that the appellant harboured two members of a gang- one Sunny @ Sachin @ Maddy Manchanda and Umang who purportedly were in touch with the designated terrorist like Goldy Brar. Under Section 19 of the UAPA, the punishment for harbouring any purported terrorist was three years upto life imprisonment and the appellant is in custody for more than two years. Therefore, on the basis of prolonged custody alone, the appellant should be released on bail.

4. He has relied on the judgment of *Hitendra Vishnu Thakur v. State of Maharashtra* reported in (1994)4 SCC 602 to submit that there was no allegation or the material to argue that the essential ingredients “constituting a terrorist act” as defined under Section 15 is



present in this case. When such material is absent, the accused cannot be charged by invoking provisions of UAPA.

5. He has further placed reliance on the judgments of Apex Court in *Union of India v. K.A. Najeeb*, reported in (2021) 3 SCC 713, *Shoma Kanti Sen v. State of Maharashtra and another*, reported in 2024 SCC OnLine SC 498, *Vernon v. The State of Maharashtra and another*, reported in 2023 SCC OnLine SC 885, *Sheikh Javed Iqbal @ Ashfaq Ansari @ Javed Ansari v. State of Uttar Pradesh*, reported in 2024 SCC OnLine SC 1755 and *Javed Gulam Nabi Shaikh v. State of Maharashtra and another*, reported in 2024 SCC OnLine SC 1693, wherein it has been held that long custody by itself would entitle the accused being tried under UAPA to the grant of bail by invoking Article 21 of the Constitution of India.

6. Issue notice of motion.

7. The Court had directed the State to file a comprehensive affidavit after filing of the supplementary challan, vide order dated January 15, 2026. Pursuant to the said direction, the State has filed a comprehensive affidavit of Dhiraj Kumar, Deputy Superintendent of Police (Crime), Chandigarh Police.

8. Learned counsel for the State submits that appellant along with co-accused is involved in anti-national activities. The prosecution's case is that on the basis of secret information, two boys were apprehended at around 11:45 pm on February 25, 2024 near Bus Stand, Sector-43, Chandigarh. The said boys were riding a white Activa without



helmets. Upon enquiry, they revealed their names as Sunny @ Sachin @ Maddy Manchanda and Umang. Upon search being conducted one pistol and a live cartridge was found from the right pocket of Sunny's trousers and 03 live cartridges were recovered from Umang's trousers. All the cartridges bore the mark of "KF 7.65" on the back. FIR No.29 was initially registered on February 26, 2024 under Sections 25/54/59 of the Arms Act against Sunny and Umang. Upon disclosure made by both Sunny and Umang, the present appellant-Parwinder Singh @ Pindu along with Kailash Chauhan @ Tiger, Anmolpreet Singh and Maya @ Kashish @ Pooja Sharma were arrested. Kailash Chauhan @ Tiger was arrested upon identification by Sunny while taking a stroll near the wall of the parking area of gate of District Court, Sector-43, Chandigarh. One pistol and 02 live cartridges were recovered from him on February 26, 2024.

9. Upon disclosure and identification by Sunny, the present appellant-Parwinder Singh @ Pindu was arrested on February 28, 2024 from TDI City, Sector-111, SAS Nagar, Mohali. A Verna car bearing registration No.CH01-BP-6918 and two mobile phones (one light grey coloured Apple phone with sim and another Oneplus Skyblue coloured phone with sim) were recovered from him and taken into police custody.

10. On the very same day i.e February 28, 2024, Anmolpreet Singh was arrested from TDI City, Sector-111, SAS Nagar, Mohali upon disclosure and identification by Sunny that Anmolpreet was his friend and aide of Goldy Brar.



11. One Maya @ Kashish @ Pooja Sharma was arrested near Counter no. 30, Sector 43 Bus Stand on February 29, 2024 also upon secret information and identification by Sunny. One slate colour backpack containing advocate's dress i.e. black coloured trousers, one black blazer and one white shirt was recovered from her. One mobile phone was recovered from her and taken into police custody. According to prosecution, she also got recovered one pistol and two live cartridges and broken pieces like battery, back body, two parts of touch screen of mobile by Techno Company from the jungle behind ISBT-43, Chandigarh.

12. Upon secret information and identification by Maya @ Kashish @ Pooja Sharma, one Baljeet Singh was apprehended from House No.177/1, Phase-3, SAS Nagar, Mohali (Punjab) and a mobile phone VIVO (black colour with sim) was recovered from him along with a Splender bike. The case of prosecution is that upon instructions from Goldy Brar, co-accused Sunny, Umang and Maya had done *recee* at the premises of District Courts, Mohali, Chandigarh and Panchkula on February 12, 2024 with the motive of killing one gangster- Bhupinder @ Bhuppi Rana when he came for his court hearing. The accused Sunny used to communicate with terrorists like Goldy Brar and Vicky Chauhan through his phone on Signal App.

13. The allegation against the appellant is that the mobile phones which were recovered from him were used by him to converse with the terrorists like Goldy Brar and Vicky Chauhan through Facebook



messenger and the appellant worked as per their instructions. On February 09, 2024 the appellant with the intention of harbouring terrorists had gone to Chandigarh railway station and brought Sunny and Umang (members of Goldy Brar's gang) to his flat at TDI City, SAS Nagar, Mohali in his Verna car and thereafter shifted them to his friend Anmolpreet's flat. A sum of Rs.49,900/- was sent by Goldy Brar and Vicky Chauhan in SBI account of appellant-Parwinder Singh @ Pindu on February 12, 2024 and the same was handed over by him to Sunny and Umang. On February 14, 2024, again the appellant received Rs.16,000/- from Goldy Brar and Vicky Chauhan in his SBI account which was handed over to Sunny and Umang.

14. The prosecution has relied upon the account statement of the appellant for the relevant period to bring home the guilt of the accused in their comprehensive affidavit. Therefore, it is submitted that the appellant should not be enlarged on bail before the witnesses are fully examined.

15. This Court has heard learned counsel for the parties and perused the material on record.

16. At the outset, it is appropriate to refer to Section 43(D) of the UAPA. Section 43-D of the UAPA is reproduced hereinafter for ready reference:-

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

(1) *Notwithstanding anything contained in the Code or any other law, every offence punishable under this Act shall be deemed to be a cognizable offence within the meaning of clause (c) of section 2 of the Code, and “cognizable case” as defined in that clause shall be construed accordingly.*



(2) Section 167 of the Code shall apply in relation to a case involving an offence punishable under this Act subject to the modification that in sub-section (2),—

(a) the references to “fifteen days”, “ninety days” and “sixty days”, wherever they occur, shall be construed as references to “thirty days”, “ninety days” and “ninety days” respectively; and

(b) after the proviso, the following provisos shall be inserted, namely:—

“Provided further that if it is not possible to complete the investigation within the said period of ninety days, the Court may if it is satisfied with the report of the Public Prosecutor indicating the progress of the investigation and the specific reasons for the detention of the accused beyond the said period of ninety days, extend the said period up to one hundred and eighty days:

Provided also that if the police officer making the investigation under this Act, requests, for the purposes of investigation, for police custody from judicial custody of any person in judicial custody, he shall file an affidavit stating the reasons for doing so and shall also explain the delay, if any, for requesting such police custody.

(3) Section 268 of the Code shall apply in relation to a case involving an offence punishable under this Act subject to the modification that—

(a) the reference in sub-section (1) thereof—

(i) to “the State Government” shall be construed as a reference to “the Central Government or the State Government.”;

(ii) to “order of the State Government” shall be construed as a reference to “order of the Central Government or the State Government, as the case may be”; and

(b) the reference in sub-section (2) thereof, to “the State Government” shall be construed as a reference to “the Central Government or the State Government, as the case may be”.

(4) Nothing in section 438 of the Code shall apply in relation to any case involving the arrest of any person accused of having committed an offence punishable under this Act



(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.

(6) The restrictions on granting of bail specified in sub-section (5) is in addition to the restrictions under the Code or any other law for the time being in force on granting of bail.

(7) Notwithstanding anything contained in sub-sections (5) and (6), no bail shall be granted to a person accused of an offence punishable under this Act, if he is not an Indian citizen and has entered the country unauthorisedly or illegally except in very exceptional circumstances and for reasons to be recorded in writing."

17. As per Section 43-D(5) of the UAPA, no person accused of an offence punishable under Chapter IV and VI of the UAPA shall, if in custody, be released on bail unless the public prosecutor has been given an opportunity of being heard on the application made by him for such relief and if the Court, on perusing the case diary or the report filed under Section 173 Cr.P.C is of the opinion that there are reasonable grounds for believing that the accusations against such persons are *prima facie* proved. Section 43-D(6) further stipulates that restrictions for grant of bail specified in Section 43-D(5) would be in addition to the restrictions provided under the Cr.P.C or any other law for the time being in force on granting of bail.



18. From the comprehensive affidavit of Shri Dhiraj Kumar, Deputy Superintendent of Police (Crime), Chandigarh Police, it transpires that the bank statements relating to Account Nos.50530100008707, 50530200000222 dated February 29, 2024 were obtained by the prosecution and upon analyzing the transaction details, it was found that the appellant had made three transactions of Rs.15,000/- each from ATM machines on February 12, 2024 and handed over the money directly to Umang within the ATM booth. Additionally, a certified copy of the bank statement from SBI pertaining to Account No.00000055148152719 was obtained and it was found that on February 12, 2024, a sum of Rs.49,900/- and on February 14, 2024, a sum of Rs.16,000/- in cash were transferred to the account holder Parwinder Singh @ Pindu through a Cash Deposit Machine.

19. Upon analysis of the data by the Central Forensic Science Laboratory (CFSL), from the six mobile phones retrieved from the appellant and his co-accused, one video was found on the appellant's mobile phone wherein an audio/video of conversation on another mobile phone has been captured. An attentive hearing of the conversation on messenger audio would indicate that said Goldy Brar and Vicky Chauhan were conversing amongst each other on February 03, 2024 and the said conversation was downloaded on the appellant's mobile phone. The voice sample of Goldy Brar was downloaded and put in a pen drive and the same matched with the audio/video available on youtube of Goldy Brar's interview. The examination report by CFSL, Chandigarh is



appended with the comprehensive affidavit filed by the U.T, Chandigarh. Goldy Brar, Rohit Godara and Vicky Chauhan have all been declared proclaimed offenders by learned Judicial Magistrate 1st Class, Chandigarh vide order dated April 30, 2025. Their arrests are yet to be effected. Therefore, it is not possible to come to the conclusion that there is no material on record, even *prima facie*, to connect the appellant with designated terrorists like Goldy Brar. Furthermore, the Investigating Officer took a certified copy of the tax invoice dated February 12, 2024 in the name of Umang from Shop No.139 and 226-A, Elante Mall, Chandigarh along with CCTV footage evidencing purchasing of Advocate's uniform and a Certificate under Section 65-B of the Indian Evidence Act, 1872 and took the same in police custody by preparing a memo duly signed by the witnesses.

20. The appellant is facing trial for creating unlawful association and conspiracy for creating an atmosphere of terror in the court premises itself by aiding and abetting his co-accused Sunny, Umang and Maya to commit crime of murder of a gangster- Bhupinder @ Bhuppi Rana and *prima facie* evidence has been provided in the comprehensive affidavit to show his links with Sunny and Umang and ultimately with Goldy Brar, a designated terrorist. It is true that under Article 21 of the Constitution of India, fundamental right to protection of life and liberty, including the right to a speedy trial is enshrined. It has been held by the Supreme Court in catena of judgments, including the ones cited by learned counsel for the appellant that a long custody itself would entitle the accused under



UAPA to be granted bail by invoking Article 21 of the Constitution of India.

21. In the present case, the appellant has undergone an actual sentence of 02 years and 05 months and this is not a case where the State has not been able to attribute any specific role, *prima facie*, to the appellant indicating his involvement with any offence under the UAPA. It cannot be said, at this stage, that no incriminating material has been collected by the State connecting the appellant to the intent of striking terror.

22. The definition of a “*terrorist act*” under Section 15 needs to be considered at this juncture and the same is reproduced hereinafter:

“15. Terrorist Act- (1) whoever does any act with intent to threaten or likely to threaten the unity, integrity, security [economic security] or sovereignty of India or with intent to strike terror or likely to strike terror in the people or any section of the people in India or in any foreign country,-

(a) by using bombs, dynamite or other explosive substances or inflammable substances or firearms or other lethal weapons or poisonous or noxious gases or other chemicals or by any other substances (whether biological radioactive, nuclear or otherwise) of a hazardous nature or by any other means of whatever nature to cause or likely to cause -

(i) death of, or injuries to, any person or persons; or

(ii) loss of, or damage to, or destruction of, property; or

(iii) disruption of any supplies or services essential to the life of the community in India or in any foreign country; or

[(iiia) damage to, the monetary stability of India by way of production or smuggling or circulation of high quality counterfeit Indian paper currency, coin or of any other material; or]



(iv) damage or destruction of any property in India or in a foreign country used or intended to be used for the defence of India or in connection with any other purposes of the Government of India, any State Government or any of their agencies; or

(b) overawes by means of criminal force or the show of criminal force or attempts to do so or causes death of any public functionary or attempts to cause death of any public functionary; or

(c) detains, kidnaps or abducts any person and threatens to kill or injure such person or does any other act in order to compel the Government of India, any State Government or the Government of a foreign country or [an international or inter-governmental organisation or any other person to do or abstain from doing any act; or], commits a terrorist act.

[(2) The terrorist act includes an act which constitutes an offence within the scope of, and as defined in any of the treaties specified in the Second Schedule.]

23. If a conspiracy is hatched with a ‘*designated terrorist*’ like Goldy Brar to murder a person albeit a gangster within the precincts of a Court which is considered to be the ‘*Temple of Justice*’ then such an act would definitely create terror or would intend to create terror in the minds of the people of the country. Inside Court premises also, if a person is not secure, then the ordinary citizens at large would be naturally shocked and terrorised. It is apparent that the place of commission of the act was chosen with the intent of striking terror in the minds of the people.

24. In the light of above discussion, *prima facie*, it cannot be said that the appellant did not have the intent to strike terror or likely to strike terror in the minds of the people or any section of the people of



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India. Therefore, at this stage, this Court is not inclined to grant regular bail to the appellant- Parwinder Singh @ Pindu.

25. It is clarified that the observations made through the instant order have been made only for the limited purpose of deciding the present appeal seeking regular bail and that the same would not be construed to be an expression of opinion on the merits of the case.

26. The appeal is **dismissed** in the above terms.

(DEEPAK SIBAL)
JUDGE

(LAPITA BANERJI)
JUDGE

JULY 10, 2026
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No