



216

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

CRA-D-663-2026 (O&M)

Date of decision : 14.08.2026

Sanjay @ Fauji

....Appellant

versus

State of Haryana

.... Respondent

**CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Mr. Vinod Ghai, Senior Advocate with
Mr. Arjun Sheoran, Advocate;
Mr. Arnav Ghai, Advocate;
Mr. Akash Malik, Advocate;
Ms. Kashish Sahni, Advocate;
Mr. Pranhita Singh, Advocate;
Mr. Chand Rathi, Advocate;
Mr. Sachin Dass, Advocate;
Ms. Tejasvi Sheokand, Advocate;
Mr. Purvanshi Singh, Advocate and
Mr. Manvir Singh, Advocate
for the petitioner.

Ms. Shaveta Sanghi, DAG, Haryana.

RAJESH BHARDWAJ, J. (ORAL)

CRM-23049-2026

Allowed as prayed for.

Main case

1. The present appeal has been filed assailing the impugned judgment dated 15.04.2026, passed by the Additional Sessions Judge, Hisar (for short, the Trial Court) whereby the application filed by the appellant seeking regular bail in FIR No.428 dated 18.11.2014, registered



at Police Station Barwala, District Hisar, under Sections 147, 148, 114, 149, 186, 120-B, 188, 121, 121A, 122, 123, 224, 225, 307, 326A, 332, 333, 342, 353, 435 IPC, Section 25, 27, 30, 54 & 59 of the Indian Arms Act, 1959, Sections 16, 18, 20, 22C and 23 of the Unlawful Activities (Prevention) Act, 1967 (for short, the UAPA), Sections 3 and 4 of the Explosive Substances Act, 1908 (for short-the Explosive Act) and Section 3 and 4 of Prevention of Damage to Public Property Act, 1984 (for short - the FIR in question), has been rejected.

FACTS OF THE CASE

2. Succinctly, the facts of the case are that on 18.11.2014, to execute the warrants of arrest issued by this Court to arrest Baba Rampal, Inspector Anil Kumar was present at a distance of about 400 meters from Satlok Ashram, Barwala (for short-the Ashram). Senior police officials were also present there and when Inspector Anil Kumar alongwith other police officials, reached the Ashram to execute the aforesaid warrants of arrest, Baba Rampal got seated 600-700 women and children outside the gate of the Ashram and deputed 1500-2000 youths who were armed with *lathis*, *dandas* and guns on the roof of the Ashram. Inspector Anil Kumar then read out the warrants of arrest on a loud speaker and requested all present to maintain law and order. At that time, many persons holding plastic cans, filled with diesel/ petrol came outside the Ashram and threatened the police that if Baba Rampal would be arrested, they would sacrifice themselves or kill members of the police. Thereafter, the followers of Baba Rampal were then informed that 144 Cr.P.C. had been imposed and that they should abide by the law. The people gathered there, started pelting stones and then the police party was fired at, even petrol bombs were thrown at them. The JCB (crane) which was brought by the



police was set ablaze and the police resorted to tear gas and used water cannons to disburse the crowd. As a result of the aforesaid violence, 111 police personnel were injured, out of whom 8 sustained fire arm injuries, one personnel received burn injuries, 17 personnel received grievous injuries and 85 personnel sustained simple injuries. Thus, the FIR was registered. On registration of the FIR, investigation commenced. During investigation conducted by the police, it was revealed that Baba Rampal along with his followers, was maintaining a mini army for execution of his illegal acts and the appellant, who was Baba Rampal's son-in-law and an ex-serviceman, used to impart training to the members of the mini army of Baba Rampal. It would further reveal that such training was for the use of arms and *lathis/ dandas* etc. and these weapons were kept in the Ashram under the close supervision of the appellant. These weapons were the ones which were used under the supervision of Baba Rampal and the appellant, by the members of the said Baba Rampal's mini army and his other followers to attack the police on 18.11.2014. The appellant approached the learned Additional Sessions Judge, Hisar, for grant of bail, however, after hearing both the sides, the said relief was declined to him by the trial Court vide order dated 15.04.2026. Being aggrieved, the appellant earlier approached this Court by way of filing of CRA-D-1574-2024, however, the same was dismissed on 17.11.2025. Hence, the appellant is again before this Court by way of filing the present appeal for grant of concession of regular bail.

Submissions on behalf of the appellant:-

3. Learned Senior counsel for the appellant submits that the appellant has been falsely implicated in the present case only on the basis of disclosure statement of the co-accused. He submit that the alleged



occurrence took place about 11 years ago. He submits that there are total 942 accused persons in the present FIR, out of whom 940 have been granted bail. He submits that out of 942 accused persons, 148 accused are those who is facing charges under the UAPA and 146 out of them have been granted bail. He submits that most of the offences cited in the FIR are not even made out against the appellant. He submits that there is no credible evidence against the present appellant and the investigating agency has primarily relied upon the alleged disclosure statement of co-accused, which is not even an admissible evidence. He submits that the appellant was earlier granted interim bail twice, however, he has not misused the concession of interim bail. He submits that though the appellant was involved in 05 more cases, however, he has already been acquitted in all those cases. He submits that there is substantial change in circumstance ever since the dismissal of the earlier bail application as the main accused Ram Pal, has been granted the concession of regular bail by this Court vide order dated 08.04.2026. He submits that while dismissing the earlier bail application, this Court granted liberty to the appellant to seek regular bail again after examination of 49 material witnesses. He submits that all the 49 witnesses have already been examined. He submits that the trial will take a long time to conclude as the prosecution has cited as many as 425 witnesses. He submits the appellant has already undergone an incarceration of more than 04 years. He thus, submits that in the facts and circumstances of the present case, the appellant deserves to be granted bail.

Submissions on behalf of the State:-

4. Per contra, learned State counsel opposed the submissions made on behalf of the appellant. She has drawn the attention of this Court



to the status report filed by way of an affidavit of Mr. Sumit Kumar, HPS, Deputy Superintendent of Police, Barwala, Hisar. She submits that in this case Baba Rampal and the appellant are the main accused. She submits that the appellant has been nominated in the present case on the basis of disclosure statement of co-accused, namely, Rampal. She submits that the appellant used to train Baba Rampal's followers for operating weapons. She submits that when the police officials reached there to execute the orders of this Court to arrest Baba Rampal, the appellant along with others started firing and threw petrol bombs on the police party resulting in 111 police officials getting injured. She submits that for 7 ½ years, the appellant absconded and evaded arrest and was declared as proclaimed offender and was later on arrested on 16.07.2021. She submits that the appellant was acquitted in the FIR lodged against him for having been declared a proclaimed offender only on technical grounds as such FIR was based on a police report and not a complaint. She submits that out of the total 425 prosecution witnesses, 65 witnesses have been examined till date. She has placed on record the custody certificate of the appellant and submits that the appellant is involved in 05 other criminal cases, however, he has been acquitted in the same. She further submits that under Section 43D(5) of the Unlawful Activities (Prevention) Act, 1967, a person accused of an offence punishable under Chapters IV and VI of the said Act shall not be released on bail or on his own bond if the Court, upon perusal of the case diary or the report submitted under Section 173 of the Code of Criminal Procedure, is of the opinion that there are reasonable grounds for believing that the accusations against such person are prima facie true. She thus, submits that the present appeal, being devoid of any merit, deserves to be dismissed.

**Analysis and findings of the Court**

5. This Court has heard learned Senior counsel and the State counsel and with their able assistance have appreciated the records.

6. For resolving the issue involved in the present case, it would be apposite to refer Section 43-D of the Unlawful Activities (Prevention) Act, 1967. The same reads as follows:-

“43D. 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) (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 subsection (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.”

7. 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 release 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 person are prima facie proved. Section 43-D (6) further stipulates that restrictions for the 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.

8. Learned Senior counsel for the appellant has vehemently contended before this Court that out of 942 accused, appellant is the only who is behind bars as on date. Though he is arrested after 7 ½ years but the prosecution had made no efforts to arrest him. It has been contended that the appellant was implicated in the present case on the basis of disclosure statement of the co-accused. The appellant is none-other than the son-in-law of the main accused i.e. Baba Rampal, however, Baba Rampal has already been enlarged on bail by this Court vide order dated 08.04.2026. It is an admitted fact that the appellant was granted interim bail twice, firstly to attend the Bhog ceremony of his mother for one day in CRM-M-5772-2024 and again by way of CRM-24995-2026 for a period of one week on account of marriage of his daughter but he had not misused the concession of the interim bail. The appellant earlier approached this Court praying for the grant of bail and this Court vide



order dated 17.11.2025 declined the bail with a direction to the State to examine all the 49 material witnesses within 04 months and liberty was granted to the appellant to approach this Court again. This Court while declining the earlier bail petition observed as follows:-

'11. 49 material witnesses, including doctors, Tehsildars etc., are yet to be examined in the appellant's trial. The appellant is the son-in-law of the other main accused-Baba Rampal, who has lakhs of followers in the State of Haryana. Therefore, it cannot be ruled out that these witnesses could easily be influenced by the appellant which could result in alteration of the course of the appellant's trial in his favour.

12. In the light of the above, the appellant's case is found to be distinct from that of his co-accused who have been granted regular bail and therefore, at this stage, we are not inclined to grant regular bail to the appellant.

13. Keeping in view the appellant's period of incarceration, the State is directed to produce all its material witnesses within 04 months from the date next fixed in the appellant's trial after which, the appellant is granted liberty to renew his prayer for the grant of regular bail.'

9. Learned State counsel has placed on record the Status report by way of an affidavit of Mr. Sumit Kumar, HPS, Deputy Superintendent of Police, Barwala, Hisar. It is evident from the reply that the prosecution has examined 65 witnesses including all the 49 material witnesses which were directed by this Court to be examined while declining his earlier bail appeal vide order dated 17.11.2025.

10. The custody certificate shows that the appellant has suffered



an incarceration of 04 years and 21 days as on 12.08.2026. The appellant was twice granted the interim bail as well and he did not misuse the concession of the same. All the co-accused including the main accused are already on bail. Learned State counsel has opposed the prayer of the appellant on the ground that 14 of the accused have been declared proclaimed offender and they have not been arrested. On the direction of the Court, SSP, Hisar appeared before this Court through video conferencing and he has apprised this Court that SIT has already been constituted and about 50 raids have already been conducted to arrest all these accused. He has fairly submitted that these accused belongs to different regions i.e. Nepal, Bihar, Madhya Pradesh, Haryana etc. and so far they could not be arrested. The SIT is continuously carrying out the raids to arrest them.

11. In the recent judgment passed in '*Syed Iftikhar Andrabi vs National Investigation Agency, Jammu, 2026 LiveLaw (SC) 512*', Hon'ble the Supreme Court of India has held as under:-

'35. The often invoked phrase 'bail is the rule and jail is the exception' is not merely an empty statutory slogan flowing from the [CrPC](#) as Gurwinder has stated. It is a constitutional principle flowing from [Articles 21](#) and [22](#) of the Constitution and the presumption of innocence which is the cornerstone of any civilised society governed by the rule of law. Statutes may undoubtedly calibrate the manner in which that principle is applied, particularly in cases involving national security or terrorist offences for which the [UAP Act](#) is meant, but those cannot altogether invert the constitutional relationship between liberty and detention. The statutory embargo of [Section 43-D\(5\)](#) must remain a circumscribed restriction that operates subject to the guarantee of [Articles 21](#) and [22](#) of the Constitution. Therefore, we have no manner of doubt in stating that even under the [UAP Act](#), 'bail is the rule and jail is the



exception’; of course, in an appropriate case, bail can be denied having regard to the facts of that particular case.

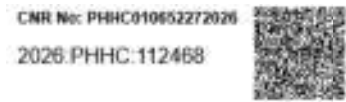
36. As we have noted above, several subsequent decisions of this Court, rendered after Gurwinder, have continued to apply the approach articulated in Najeeb in granting bail under the [UAP Act](#) on grounds of prolonged incarceration, gross delay in conclusion of trial, and the absence of any realistic possibility of the trial concluding in the near future.

37. The logic underlying all these judgments traces back to Najeeb, which is now the law of the land governing the grant of bail under the [UAP Act](#) in a situation of prolonged detention. In that context, it is noteworthy that while Gulfisha Fatima relied on Gurwinder to adopt a narrower reading of Najeeb, neither Gulfisha Fatima nor Gurwinder engage with this subsequent line of authority of case law.

38. ***Thus it is clear beyond doubt that the preference for bail, or the often invoked principle ‘bail is the rule and jail is the exception’ flows from the constitutional primacy of personal liberty under [Article 21](#) and, therefore, cannot be displaced by legislation.’***

12. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court.

13. In the attending facts and circumstances, it is apparent that all the material witnesses stand examined as directed by this Court. The appellant has suffered an incarceration of more than 04 years. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides, perusing the record and law laid down by the Hon’ble Supreme Court, this Court is of the opinion that the appellant deserves to be granted bail to the satisfaction of the concerned trial Court/Duty Magistrate. The impugned order dated 15.04.2026 is hereby set aside. The bail granted to the appellant would be



subject to the following conditions:-

- i) *That the appellant would produce two local sureties in the sum of Rs.5 lacs each;*
- ii) *That the appellant would provide his complete and latest address of his residence and mobile number to the SHO concerned, and he would keep the location of his mobile on for 24 hours;*
- iii) *That the appellant would keep on appearing before the SHO concerned, where the FIR belongs, on every Ist Monday of every month at 11:00 AM, during the trial.*

14. Learned trial Court/Illaqa Magistrate would be at liberty to impose any other condition as it deems fit in addition to the abovementioned conditions and the prosecution would be at liberty to approach this Court for recalling of this order in case the appellant is found to be violating any condition of the bail granted.

15. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

14.08.2026
ps-I

(DEEPAK MANCHANDA)
JUDGE

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No