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

**CRA-D No.749 of 2024**
**Reserved on : 16.10.2025**
**Pronounced on: 28.10.2025**

**Manjeet Singh**

**….Appellant**

**versus**

**State of Haryana**

**…Respondent**

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

Present: Mr. M.S. Rana, Advocate
for the appellant.

Mr. Pardeep Chahar, Senior Deputy Advocate General,
Haryana.

**DEEPAK SIBAL, J.**

1. Through the instant appeal the appellant challenges the order dated April 04, 2024, passed by the Additional Sessions Judge, Karnal, (for short – the Trial Court), declining regular bail to the appellant in FIR No.414 dated 20.06.2022 under Sections 10, 13 and 18 of the Unlawful Activities (Prevention) Act, 1967 (for short – the UAPA), Section 3 of the Prevention of Damage to Public Property Act, 1984 (for short – the PDPP Act) and Sections 120-B/ 153-A of the Indian Penal Code, 1860 (for short – the FIR in question).

**THE FACTS**

2. On 20.06.2022, Inspector Sandip Singh, who was posted as Station House Officer, Civil Lines, Karnal received information that certain objectionable slogans have been painted on the front walls of Dayal Singh College and DAV School in Karnal. On receipt of such information he reached the gate of Dayal Singh College and found pro Khalistan slogans painted on its front wall in Punjabi and English. Thereafter, he reached DAV School and found similar slogans painted on the wall of the school. After taking photographs, he registered the FIR in question.

3. During the course of investigation, on 03.07.2022, the appellant was arrested and on being interrogated, through his alleged disclosure statement, he allegedly admitted to have written pro Khalistan slogans on the walls of Dayal Singh College and DAV School in Karnal. Further investigation resulted in the alleged recovery of a motorcycle, one bag and one mobile phone from the appellant's possession. Thereafter, co-accused Resham Singh was arrested on 22.07.2022.

4. The clothes, mobile phone of the appellant and his co-accused were then subjected to forensic examination and after completion of investigation the State filed before the Trial Court its final report under Section 173 Cr.P.C. on the basis whereof the appellant was charged and presently faces trial under Sections of the IPC, UAPA and PDPP Act, under which the FIR in question had been registered.

5. Till date, only 01 out of the 16 prosecution witnesses has been examined in the appellant's trial and in the meanwhile, the appellant has undergone actual custody of nearly 03 years and 04 months.

**THE SUBMISSIONS**

6. Learned counsel for the appellant submitted that the Trial Court erred in law and in fact by denying bail to the appellant; the appellant is sought to be prosecuted primarily on the basis of his disclosure statement made by him in police custody which in the absence of any corroborative evidence has no evidentiary value in the eyes of law; the alleged recovery from the appellant of a motorcycle, a bag and a mobile phone does not connect the appellant with the crime he is being prosecuted for; there is also no forensic evidence connecting the appellant with the crime for which he is facing trial; no incriminating material has been recovered from the appellant; the investigation against the appellant is complete and therefore, he is no longer required by the prosecution for such purpose; through order dated 03.04.2024 passed in **CRA-D-378-2023-Resham vs. State of Haryana** similarly placed co-accused, namely, Resham who had undergone only 01 year and 09 months of custody has already been granted regular bail by a coordinate Bench of this Court and that since till date only 01 out of 16 prosecution witnesses has been examined in the appellant's trial the same will take a long time to conclude.

7. In support of his submissions learned counsel for the appellant has relied on the judgments of the Supreme Court in ***Union of India v. K.A. Najeeb,*** *(2021) 3 SCC 713,* ***Shoma Kanti Sen v. State of***

***Maharashtra and another, (****2024) 6 SCC 591*, ***Vernon v. The State of Maharashtra and another***, (*2023) 15 SCC 56*, ***Sheikh Javed Iqbal @ Ashfaq Ansari @ Javed Ansari v. State of Uttar Pradesh***, (*2024) 8 SCC 293* and ***Javed Gulam Nabi Shaikh v. State of Maharashtra and another***, (*2024) 9 SCC 813.*

8. Learned State counsel fairly admits that a coordinate Bench of this Court has granted regular bail to a similarly placed co-accused, namely, Resham and to the period of appellant's incarceration as also that as on date in the appellant's trial out of 16 only 01 prosecution witness has been examined but seeks dismissal of the instant appeal by submitting that the appellant is involved in anti-national activities and his role of writing pro Khalistan slogans on the walls of a College and a School in Karnal stands admitted by him and that in terms of Section 43-D (5) of the UAPA the appellant should not be granted regular bail.

9. Learned counsel for the parties have been heard and with their able assistance the record of the case has also been examined.

**DISCUSSIONS AND FINDINGS**

10. At the outset it would be apposite to refer to Section 43-D of the UAPA. 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 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."*

11. 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.

12. A reading of the reply filed by the State does not reveal on what basis the appellant was arrested. The prosecution's case primarily rests on the alleged admission made by the appellant while in the police custody, the evidentiary value of which shall be gone into during the course of the appellant's trial. No material has been placed before this Court of any monetary transactions having taken place in connection with the allegations made against the appellant. Report of the FSL placed

before us also does not refer to any incriminating material found in the appellant's phone. Similarly placed co-accused namely Resham has already been granted regular bail by a coordinate Bench of this Court in **CRA-D-378-2023-Resham vs. State of Haryana through order dated 03.04.2024.** Investigation qua the appellant is also complete and therefore, the prosecution does not require him for such purpose. The appellant has also undergone nearly 03 years and 04 months of actual custody and till date, in his trial, only 01 of the 16 prosecution witnesses has been examined.

13. In the light of the above and in particular on the ground of parity with similarly placed co-accused Resham, we find no reason to deny regular bail to the appellant even though he is facing trial for commission of offences under the UAPA. In this regard we may usefully refer to the following observations made by the Supreme Court in ***Jalaluddin Khan v. Union of India*** reported in *(2024) 10 SCC 574:-*

> *"17.1 Bihar Police had received information about a plan to disturb the proposed visit of Hon'ble Prime Minister to Bihar by some suspected persons who had assembled in Phulwarisharif area. On 11.07.2022 at about 19:30 hrs, on secret information, a raid was carried out by the police officers of PS Phulwarisharif, Patna at the rented house/premises of Athar Parvej (A-1) and recovered 05 sets of documents "India 2047 Towards Rule of Islamic India, Internal Document: Not for Circulation", Pamphlets "Popular Front of India 20-2-2021" – 25 copies in Hindi and 30 copies in Urdu, 49 cloth flags, 02 magazines "Mulk ke liye Popular Front ke saath" and one copy of rent agreement on non-judicial stamp by Farhat Bano w/o Md. Jalaluddin Khan (A-2) with tenant Athar Parvej (A-1) son of Abdul Qayum Ansari. The recovered articles and a Samsung mobile phone having SIM card of accused Md. Jalaluddin (A-2) were seized in the instant case. They were related to anti-India activities."*
>
> *xxx xxx xxx*

> *30. Therefore, on plain reading of the charge-sheet, it is not possible to record a conclusion that there are reasonable grounds for believing that the accusation against the appellant of commission of offences punishable under UAPA is prima-facie true. We have taken the charge-sheet and the statement of witness Z as they are without conducting a mini-trial. Looking at what we have held earlier, it is impossible to record a prima-facie finding that there were reasonable grounds for believing that the accusation against the appellant of commission of offences under UAPA was prima-facie true. No antecedents of the appellant have been brought on record.*
>
> *31. The upshot of the above discussion is that there was no reason to reject the bail application filed by the appellant.*
>
> *32. Before we part with the judgment, we must mention here that the Special Court and the High Court did not consider the material in the charge-sheet objectively. Perhaps the focus was more on the activities of PFI, and therefore, the appellant's case could not be properly appreciated. When a case is made out for a grant of bail, the Courts should not have any hesitation in granting bail. The allegations of the prosecution may be very serious. But, the duty of the Courts is to consider the case for grant of bail in accordance with the law. "Bail is the rule and jail is an exception" is a settled law.*
>
> *33. Even in a case like the present case where there are stringent conditions for the grant of bail in the relevant statutes, the same rule holds good with only modification that the bail can be granted if the conditions in the statute are satisfied. The rule also means that once a case is made out for grant of bail, the Court cannot decline to grant bail. If the Courts start denying bail in deserving cases, it will be a violation of the rights guaranteed under Article 21 of our Constitution."*

14. After weighing the stringency with regard to grant of bail to an undertrial facing charges under the UAPA vis-a-vis the rights guaranteed under Article 21 of the Indian Constitution, the Supreme Court has held that right to a speedy trial was guaranteed under Article 21 of the Indian Constitution and that long custody by itself would entail the accused being tried under the UAPA to be granted bail. In this regard

reference can be made to the following observations of the Supreme Court in ***K.A. Najeeb's*** case *(supra):_*

> "17. *It is thus clear to us that the presence of statutory restrictions like Section 43-D(5) of UAPA per se does not oust the ability of Constitutional Courts to grant bail on grounds of violation of Part III of the Constitution. Indeed, both the restrictions under a Statue as well as the powers exercisable under Constitutional Jurisdiction can be well harmonised. Whereas at commencement of proceedings, the Courts are expected to appreciate the legislative policy against grant of bail but the rigours of such provisions will melt down where there is no likelihood of trial being completed within a reasonable time and the period of incarceration already undergone has exceeded a substantial part of the prescribed sentence. Such an approach would safeguard against the possibility of provisions like Section 43-D (5) of UAPA being used as the sole metric for denial of bail or for wholesale breach of constitutional right to speedy trial.*
> *xxxxxxxxxxx*
>
> *19. xxxxxx*
> *Instead, Section 43-D (5) of UAPA merely provides another possible ground for the competent Court to refuse bail, in addition to the well settled considerations like gravity of the offence, possibility of tampering with evidence, influencing the witnesses or chance of the accused evading the trial by absconsion etc.*"

15. Further, the Supreme Court, in the case of ***Vernon*** *(supra)* has held that serious allegations against accused who is facing trial under the UAPA by itself cannot be a reason to deny him bail. The relevant extract from the said judgment is reproduced hereunder:-

> "53. *In* ***Zahoor Ahmad Shah Watali*** *(supra) reference was made to the judgment of* ***Jayendra Saraswathi Swamigal v. State of Tamil Nadu*** *[(2005) 2 SCC 13) in which, citing two earlier decisions of this court in the cases of* ***State v. Jagjit Singh*** *(AIR 1962 SC 253) and* ***Gurcharan Singh v. State of (UT of Delhi)*** *[(1978) 1 SCC 118), the factors for granting bail under normal circumstances were discussed. It was held that the nature and seriousness of the offences, the character of the evidence, circumstances which are peculiar to the accused, a reasonable possibility of the presence of*

*the accused not being secured at the trial; reasonable apprehension of witnesses being tampered with; the larger interest of the public or the State would be relevant factors for granting or rejecting bail. Juxtaposing the appellants' case founded on Articles 14 and 21 of the Constitution of India with the aforesaid allegations and considering the fact that almost five years have lapsed since they were taken into custody, we are satisfied that the appellants have made out a case for granting bail.* ***Allegations against them no doubt are serious, but for that reason alone bail cannot be denied to them.*** *While dealing with the offences under Chapters IV and VI of the 1967 Act, we have referred to the materials available against them at this stage. These materials cannot justify continued detention of the appellants, pending final outcome of the case under the other provisions of the 1860 Code and the 1967 Act*."

16. Similarly, in the case of ***Shoma Kanti Sen*** *(supra)*, the Supreme Court held as follows:-

*"44. In Union of India v. K.A.Najeeb, a three Judge Bench of this Court (of which one of us Aniruddha Bose, J was a party), has held that a Constitutional Court is not strictly bound by the prohibitory provisions of grant of bail in the 1967 Act and can exercise its constitutional jurisdiction to release an accused on bail who has been incarcerated for a long period of time, relying on Article 21 of Constitution of India. This decision was sought to be distinguished by Mr. Nataraj on facts relying on judgment of this Court in the case of Gurwinder Singh v. State of Punjab [2024 INSC 92]. In this judgment, it has been held:-*

*"44. The Appellant's counsel has relied upon the case of KA Najeeb (supra) to back its contention that the appellant has been in jail for last five years which is contrary to law laid down in the said case. While this argument may appear compelling at first glance, it lacks depth and substance.*
*45. In KA Najeeb's case this court was confronted with a circumstance wherein except the respondent-accused, other co-accused had already undergone trial and were sentenced to imprisonment of not exceeding eight years therefore this court's decision to consider bail was grounded in the anticipation of the impending sentence that the respondent accused might face upon conviction and since the respondent-accused had already served portion of the maximum imprisonment i.e., more than five years, this court took it as a factor influencing its assessment to grant bail. Further, In KA Najeeb's case the trial of the respondent*

*accused was severed from the other co-accused owing to his absconding and he was traced back in 2015 and was being separately tried thereafter and the NIA had filed a long list of witnesses that were left to be examined with reference to the said accused therefore this court was of the view of unlikelihood of completion of trial in near future. However, in the present case the trial is already under way and 22 witnesses including the protected witnesses have been examined.*

*46. As already discussed, the material available on record indicates the involvement of the appellant in furtherance of terrorist activities backed by members of banned terrorist organization involving exchange of large quantum of money through different channels which needs to be deciphered and therefore in such a scenario if the appellant is released on bail there is every likelihood that he will influence the key witnesses of the case which might hamper the process of justice. Therefore, mere delay in trial pertaining to grave offences as one involved in the instant case cannot on be used as a ground to grant bail. Hence, the aforesaid argument on the behalf of the appellant cannot be accepted."*

*45. Relying on this judgment, Mr. Nataraj, submits that bail is not a fundamental right. Secondly, to be entitled to be enlarged on bail, an accused charged with offences enumerated in Chapters IV and VI of the 1967 Act, must fulfill the conditions specified in Section 43D (5) thereof. We do not accept the first part of this submission. This Court has already accepted right of an accused under the said offences of the 1967 Act to be enlarged on bail founding such right on Article 21 of the Constitution of India. This was in the case of Najeeb (supra), and in that judgment, long period of incarceration was held to be a valid ground to enlarge an accused on bail in spite of the bail-restricting provision of Section 43D (5) of the 1967 Act.*

*46. Pre-conviction detention is necessary to collect evidence (at the investigation stage), to maintain purity in the course of trial and also to prevent an accused from being fugitive from justice. Such detention is also necessary to prevent further commission of offence by the same accused. Depending on gravity and seriousness of the offence alleged to have been committed by an accused, detention before conclusion of trial at the investigation and post-charge sheet stage has the sanction of law broadly on these reasonings. But any form of deprival of liberty results in breach of Article 21 of the Constitution of India and must be justified on the ground of being reasonable, following a just and fair procedure and such deprival must be proportionate in the facts of a given case. These would be the overarching*

> *principles which the law Courts would have to apply while testing prosecution's plea of pre-trial detention, both at investigation and post-charge sheet stage*."
>
> 47. *As regards second part of Mr Nataraj's argument which we have noted in the preceding paragraph, we accept it with a qualification. The reasoning in Najeeb case would also have to be examined, if it is the constitutional court which is examining prosecution's plea for retaining in custody an accused charged with bail-restricting offences. He cited Gurwinder Singh in which the judgment of K.A. Najeeb was distinguished on facts and a judgment of the High Court rejecting the prayer for bail of the appellant was upheld. But this was a judgment in the given facts of that case and did not dislocate the axis of reasoning on constitutional ground enunciated in Najeeb. On behalf of the prosecution, another order of a coordinate Bench passed on 18-1-2024, in Mazhar Khan v. NIA New Delhi [Special Leave Petition (Crl) No. 14091 of 2023] was cited. In this order, the petitioner's prayer for overturning a bail-rejection order of the High Court under similar provisions of the 1967 Act was rejected by the coordinate Bench applying the ratio of Watali judgment and also considering Vernon. We have proceeded in this judgment accepting the restrictive provisions to be valid and applicable and then dealt with the individual allegations in terms of the proviso to Section 43-D (5) of the 1967 Act. Thus, the prosecution's case, so far as the appellant is concerned, does not gain any premium from the reasoning forming the basis of Mazhar Khan (supra)."*

17. In the case of ***Javed Gulam Nabi Shaikh*** *(supra)*, the Supreme Court held that criminals are not born but made out. Howsoever serious the crime may be, an accused has a right to a speedy trial and that the purpose of bail is only to secure the attendance of the accused at the trial and that bail is not to be withheld as a form of punishment. In this regard, it would be useful to refer to the following observations made by the Supreme Court:-

> "11. *The aforesaid observations have resonated, time and again, in several judgments, such as Kadra Pahadiya & Ors. v. State of Bihar reported in (1981) 3 SCC 671 and Abdul Rehman Antulay v. R.S. Nayak reported in (1992) 1 SCC 225. In the latter the Court reemphasized the right to*

*speedy trial, and further held that an accused, facing prolonged trial, has no option:*

*"84.....The State or complainant prosecutes him. It is, thus, the obligation of the State or the complainant, as the case may be, to proceed with the case with reasonable promptitude. Particularly, in this country, where the large majority of accused come from poorer and weaker sections of the society, not versed in the ways of law, where they do not often get competent legal advice, the application of the said rule is wholly inadvisable. Of course, in a given case, if an accused demands speedy trial and yet he is not given one, may be a relevant factor in his favour. But we cannot disentitle an accused from complaining of infringement of his right to speedy trial on the ground that he did not ask for or insist upon a speedy trial."*

*12. In Mohd Muslim @ Hussain v. State (NCT of Delhi) reported in 2023 INSC 311, this Court observed as under:*

*"23. Before parting, it would be important to reflect that laws which impose stringent conditions for grant of bail, may be necessary in public interest; yet, if trials are not concluded in time, the injustice wrecked on the individual is immeasurable. Jails are overcrowded and their living conditions, more often than not, appalling. According to the Union Home Ministry's response to Parliament, the National Crime Records Bureau had recorded that as on 31st December 2021, over 5,54,034 prisoners were lodged in jails against total capacity of 4,25,069 lakhs in the country. Of these 122,852 were convicts; the rest 4,27,165 were undertrials.*

*24. The danger of unjust imprisonment, is that inmates are at risk of "prisonisation" a term described by the Kerala High Court in A Convict Prisoner v. State, reported in 1993 Cri LJ 3242, as "a radical transformation" whereby the prisoner:*

*'13..... loses his identity. He is known by a number. He loses personal possessions. He has no personal relationships. Psychological problems result from loss of freedom, status, possessions, dignity any autonomy of personal life. The inmate culture of prison turns out to be dreadful. The prisoner becomes hostile by ordinary standards. Self-perception changes.'*

*25. There is a further danger of the prisoner turning to crime, "as crime not only turns admirable, but the more professional the crime, more honour is paid to the criminal" (also see Donald Clemmer's 'The Prison Community' published in 1940). Incarceration has further deleterious effects - where the accused belongs to the weakest economic strata: immediate loss of livelihood, and in several cases,*

*scattering of families as well as loss of family bonds and alienation from society. The courts therefore, have to be sensitive to these aspects (because in the event of an acquittal, the loss to the accused is irreparable), and ensure that trials – especially in cases, where special laws enact stringent provisions, are taken up and concluded speedily."*

*Xxxxxxx*

*16. Criminals are not born out but made. The human potential in everyone is good and so, never write off any criminal as beyond redemption. This humanist fundamental is often missed when dealing with delinquents, juvenile and adult. Indeed, every saint has a past and every sinner a future. When a crime is committed, a variety of factors is responsible for making the offender commit the crime. Those factors may be social and economic, may be, the result of value erosion or parental neglect; may be, because of the stress of circumstances, or the manifestation of temptations in a milieu of affluence contrasted with indigence or other privations*."

18. To the same effect are the following observations of the Supreme Court in the case of ***Tapas Kumar Palit v. State of Chhattisgarh***, reported in *2025 SCC OnLine SC 322:_*

*"10. However, many times we have made ourselves very clear that howsoever serious a crime may be the accused has a fundamental right of speedy trial as enshrined in Article 21 of the Constitution.*
*Xxx*

*12. The aforesaid results in indefinite delay in conclusion of trial. It is expected of the Public Prosecutor to wisely exercise his discretion insofar as examination of the witness is concerned.*
*Xxx*

*14. In this regard, the role of the Special Judge (NIA) would also assume importance. The Special Judge should inquire with the Special Public Prosecutor why he intends to examine a particular witness if such witness is going to depose the very same thing that any other witness might have deposed earlier. We may sound as if laying some guidelines, but time has come to consider this issue of delay and bail in its true and proper perspective. If an accused is to get a final verdict after incarceration of six to seven years in jail as an undertrial prisoner, then, definitely, it could be*

*said that his right to have a speedy trial under Article 21 of the Constitution has been infringed. The stress of long trials on accused persons- who remain innocent until proven guilty- can also be significant. Accused persons are not financially compensated for what might be a lengthy period of pre-trial incarceration. They may also have lost a job for accommodation, experienced damage to personal relationships while incarcerated, and spent a considerable amount of money on legal fees. If an accused person is found not guilty, they have likely endured many months of being stigmatized and perhaps even ostracized in their community and will have to rebuild their lives with their own resources.*

*15. We would say that delays are bad for the accused and extremely bad for the victims, for Indian society and for the credibility of our justice system, which is valued. Judges are the masters of their Courtrooms and the Criminal Procedure Code provides many tools for the Judges to use in order to ensure that cases proceed efficiently."*

19. In the light of the above discussion, subject to the satisfaction of the Trial Court/Duty Magistrate the appellant is ordered to be released on regular bail on the following conditions:-

(i) He shall furnish bond of ₹10 lakh with two sureties of the like amount;
(ii) He shall deposit his passport, if any, in the Trial Court;
(iii) He shall appear before the Trial Court on each and every date, unless specifically exempted;
(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 a witness;
(vi) He shall not involve in any criminal activity;
(vii) He shall not sell, transfer or in any other manner create third party right over immovable property or properties owned by him;
(viii) At the time of release of the appellant, the SHO of the area where he normally resides, shall be informed and that the appellant shall mark his attendance before the said SHO on every Monday till the conclusion of the trial and that
(ix) He shall furnish an undertaking to the effect that in case of his absence, the Trial Court may proceed with the trial and in such eventuality he shall not claim re-examination of any witness.

20. While granting bail to the appellant, at the time of recording its satisfaction, the Trial Court/ Duty Magistrate may also impose any further condition as it deems necessary.

21. If any of the above conditions or any further condition(s) which may be imposed by the Trial Court/ Duty Magistrate are breached by the appellant it would be open to the prosecution to seek cancellation of the bail granted to him through the instant order.

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

23. The impugned order is set aside and the appeal is allowed in the above terms.

**(DEEPAK SIBAL)**
**JUDGE**

**(LAPITA BANERJI)**
**JUDGE**

**28.10.2025**
*gk*

*Whether speaking/reasoned:* *Yes/No*
*Whether reportable:* *Yes/No*