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

(1)

CRA-D-762-2023 (O&M)
Reserved on : 28.11.2025
Date of Decision:13.01.2026.

**MASA SINGH @ MASSA SINGH @ MANDEEP
SINGH**

... Appellant

V/S

NATIONAL INVESTIGATION AGENCY

... Respondent

(2)

CRA-D-80-2023 (O&M)

HARJIT SINGH @ HARJIT

... Appellant

V/S

NATIONAL INVESTIGATION AGENCY

... Respondent

(3)

CRA-D-1360-2023 (O&M)

GURJANT SINGH

.... Appellant

V/S

NATIONAL INVESTIGATION AGENCY

... Respondent

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

**Present: Mr. K.S. Dhillon, Advocate
for the appellant in CRA-D-762-2023.**

**Mr. Pratham Sethi, Advocate
for the appellant in CRA-D-80-2023.**



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Mr. Bhanu Pratap Singh, Advocate
for the appellant(s) in CRA-D-1360-2023.

Mr. Sukhdeep Singh Sandhu, Special Prosecutor
for the respondent-NIA.

RAMESH KUMARI, J.

1. These three appeals have been filed under Section 21 of the National Investigation Agency, 2008, against impugned orders, whereby bail applications filed by the appellants (hereinafter referred as 'accused') were dismissed by the Special Judge, NIA, SAS Nagar, Mohali, in RC No. 20/2019/NIA/DLI dated 23.09.2019, arising out of FIR No. 280 dated 05.09.2019. The said FIR had been registered for the offences under Sections 304, 153-A, 120B of IPC, Sections 13, 18, 18A, 18B, 20 and 23 of Unlawful Activities (Prevention) Act, 1967 (for short 'UA(P) Act') and Sections 3, 4 and 5 of Explosive Substances Act, at Police Station Sadar, Tarn Taran.
2. Bail application No. 166 of 2023 filed by Masa Singh @ Massa Singh @ Mandeep Singh (A-1) was dismissed vide order dated 24.03.2023 by the learned Special Judge, NIA, SAS Nagar, Mohali on the ground that *prima facie* offences have been made out under Sections 120-B, 153-A of IPC and Sections 13, 18 and 20 of UA(P) Act (while framing charges by the Court) the rigour of Section 43D(5) of UA (P) Act are applicable.
3. Bail application No. 3188 of 2022 filed by the accused Harjit Singh @ Harjit (A-2) was dismissed vide impugned order dated 12.01.2023 primarily on the ground that allegation against him are serious in nature and in view of the rigour of Section 43D(5) of UA (P) Act.



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4. Bail application No. 2985 of 2023 filed by accused Gurjant Singh (A-3) was dismissed vide impugned order dated 13.10.2023, by the learned Special Judge, NIA, Mohali on the ground of his involvement in the conspiracy i.e. he actively participated in the commission of crime and had been closely associated with criminal conspiracy relating to village Pandori Gola bomb blast case.
5. For the sake of convenience, facts are being taken from the case titled as **Masa Singh @ Massa Singh @ Mandeep Singh Versus National Investigation Agency (CRA-D-762-2023).**
6. FIR No.280 dated 05.09.2019, Annexure A-1, was registered against unknown persons on account of information received by Harsa Singh SI/SHO, at Police Station Sadar, Tarn Taran that on the intervening night of 04/05.9.2019, at about 8 pm, there was a bomb blast in a vacant land on the link road leading from Tarn Taran to Patti near Pandori Gola towards village Bath.
7. Initially, the FIR was registered for offences under Section 304 of IPC and 4 and 5 of Explosive Substances Act. During investigation, it was found that accused Bikkar Singh @ Vikram @ Vicky (D-1), Harpreet Singh @ Happy @ Gujjar (D-2), and Gurjant Singh (A-3) were digging a pit to retrieve explosives, which were buried in the plot. Due to impact of digging tools on explosives an explosion took place, resulting in death of Bikkar Singh @ Vikram @ Vicky (D-1) and Harpreet Singh @ Happy @ Gujjar (D-2), on the spot, whereas accused Gurjant Singh (A-3) was seriously injured and lost vision of both of his eyes. Accused Harjit Singh @ Harjit (A-2), whose house is located near the place of incident



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provided spade for digging the explosives and also got the injured Gurjant Singh (A-3) admitted in Guru Nanak Hospital, Amritsar.

Thereafter, NIA, re-registered the case as RC/20/2019/NIA/DLI, in compliance of order received vide F.No. 11011/47/2019/NIA dated 20.09.2019 from the Ministry of Home Affairs, Government of India and the case was investigated by NIA.

8. During investigation, it was also found that in the year 2012-2013, Bikramjit Singh @ Bikkar Panjwar @ Bikkar Baba (A-9), who was working as Granthi had hatched a conspiracy to support Khalistan movement by creating a terrorist gang to carry out terror activities in Punjab. He started selecting Pro-Khalistani minded radicalised persons and he selected Masa Singh @ Massa Singh @ Mandeep Singh (A-1), Harjit Singh @ Harjit (A-2), Gurjant Singh (A-3), Chandeeep Singh @ Gabbar Singh (A-4), Sher Singh @ Shera (since deceased) (A-5), A.S. (name withheld as he was juvenile) (A-6), Manpreet Singh @ Mann (A-7), Amarjeet Singh @ Amar Singh (A-8), Bikramjit Singh @ Bikkar Panjwar @ Bikkar Baba (A-9), Bikkar Singh @ Vikram @ Vicky (D-1) and Harpreet Singh @ Happy @ Gujjar (D-2) and other unknown persons.
9. During investigation, it was also found that these accused persons came in contact with each other in 2015 during a protest organized by them against sacrilege incident of Sri Guru Granth Sahib and they formed a terrorist gang due to similar religious thoughts and held meetings at Amritsar and Tarn Taran.



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10. Bikramjit Singh @ Bikkar Panjwar @ Bikkar Baba (A-9) shifted himself from Amritsar to village Bachhare, Tarn Taran in the year 2016 and started living at paternal house of A.S. (name withheld as he was juvenile) (A-6), located between the houses of Gurjant Singh (A-3) and A.S. (name withheld as he was juvenile) (A-6). He used to deliver religious speeches to radicalised Sikh youths and posted photos, videos relating to Khalistan and Referendum 2020. Accused Bikramjit Singh @ Bikkar Panjwar @ Bikkar Baba (A-9) used to impart training on explosives for making bombs by using potassium, chlorate, sulphur, shrapnel and other materials to other co-accused. He also used to demonstrate how to make bombs by explosive materials and their various combinations and their impact on different types of grounds and this gang used to explode bombs for trial purpose also.
11. It was also found during investigation that in the middle of July, 2019, Massa Singh @ Mandeep Singh (A-1), Harjit Singh @ Harjit (A-2), Gurjant Singh (A-3), Sher Singh @ Shera (since deceased) (A-5) and Bikkar Singh @ Vikram @ Vicky (D-1) (since died) planned to attack Muradpura Dera of Divya Jyoti Jagran Sansthan in Tarn Taran by throwing bombs in the night of 04.09.2019.
12. On 04.09.2019 in the afternoon Masa Singh @ Massa Singh @ Mandeep Singh (A-1) received a call from Harjit Singh @ Harjit (A-2) informing that they would be ready with bombs to target the dera during the night hours. Around 08:24 pm Harjit Singh @ Harjit (A-2) telephonically asked Masa Singh @ Massa Singh @ Mandeep Singh (A-1) to reach Guru Nanak Super Speciality Hospital, Amristar. Around 9 pm, Masa



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Singh @ Massa Singh @ Mandeep Singh (A-1) reached near the house of Harjit Singh @ Harjit (A-2) and the parents of Harjit Singh @ Harjit (A-2) informed him that Gurjant Singh (A-3) has been seriously injured and Harjit Singh @ Harjit (A-2) had taken him to hospital. Later on Masa Singh @ Massa Singh @ Mandeep Singh (A-1) went to the spot and found A.S. (name withheld) (A-6) and other local boys who were searching for the bodies of Bikkar Singh @ Vikram @ Vicky (D-1) and Harpreet Singh @ Happy @ Gujjar (D-2).

13. Mr. K.S. Dhillon, learned counsel for the accused- Massa Singh contended that Masa Singh @ Massa Singh @ Mandeep Singh (A-1) is having 100% disability in his legs. He is in custody since 15.09.2019. Learned Special Court committed error in dismissing his application for grant of bail. There is no evidence against him and a false case is implanted upon him. Accused is neither member of any terrorist gang/organization nor the prosecution had produced any cogent evidence in this regard. He never indulged in any unlawful activities. No incriminatory substance has been recovered from him. His mobile phone was taken into possession but nothing incriminatory has been extracted from his mobile phone. Any statement made by him while in custody is not admissible under Section 25 of the Indian Evidence Act. He has not indulged in any activity which could constitute any threat to Government of India as by law established nor could the same give rise to feeling of enmity or hatred among different community or religious groups.
14. Mr. Pratham Sethi, Advocate for the accused Harjit Singh @ Harjit (A-2) contended that he has no role in the explosion, which took place in the



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intervening night of 4/5.9.2019 at village Pandori Gola. He never participated in any terrorist activities. He is not an eye-witness of any explosion. He did not take injured Gurjant Singh (A-3) to the hospital. Harjit Singh @ Harjit (A-2) is permanent resident of village Pindori Gola, Tarn Taran, and his house is in the vicinity where explosion took place. Learned Additional Sessions Judge placed undue reliance upon the scrutiny report of mobile phone of accused Harjit Singh @ Harjit (A-2) and wrongly concluded that he was inclined towards the idea of Khalistan as he has friends on his social media account of facebook, who used to promote khalistan. Learned trial Court wrongly relied upon the connectivity chart that the appellant was in touch with other accused through alleged six mobiles. Nothing incriminatory was recovered from the possession of accused Harjit Singh @ Harjit (A-2). The alleged recovery of books, articles which formed part of final report were recovered from the house of co-accused i.e Gurjant Singh (A-3) and co-accused Manpreet Singh @ Mann (A-7) and Amarjeet Singh @ Amar Singh (A-8). The learned counsel for the accused vehemently prayed for setting aside the impugned order dated 12.01.2023 and for release of accused Harjit Singh @ Harjit (A-2) on regular bail.

15. Mr. Bhanu Pratap Singh, counsel for the accused-Gurjant Singh (A-3) also contended that he was falsely implicated in this case. He was not named in the original FIR. Nothing incriminatory was recovered from him. There is no substantial evidence to bring him under the ambit of charge under Section 20 of UA (P) Act. The accused has already undergone custody of more than six years and he cannot be kept in



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indefinite detention just on account that allegations against him are serious in nature. The accused Gurjant Singh (A-3) was implicated for the reason that he was present on the spot where the alleged blast took place. He was not known to other co-accused. Gurjant Singh (A-3) is baptized Sikh, whereas the deceased Bikkar Singh @ Vikram @ Vicky (D-1), Harpreet Singh @ Happy @ Gujjar (D-2), were followers of Christianity and Divya Jyoti Jagran Sansthan, Noormahal, as stated by PW4-Kulwinder Singh and PW-5 Jaspal Singh.

16. All the three learned counsel for the accused vehemently prayed that these three accused are entitled for benefit of regular bail on the ground of parity as well because three co-accused of this case i.e. Manpreet Singh @ Mann (A-7), Amarjeet Singh @ Amar and Chandee Singh @ Gabbar Singh (A-4) were released on regular bail vide order dated 07.12.2022, 14.01.2022 and 06.09.2023, respectively by a co-ordinate Bench of this Court.
17. In support of their contention, learned counsel for accused also relied upon following judgments of Hon'ble Apex Court:-

1. *Tapas Kumar Palit Versus State of Chhatisgarh, 2025 SCC OnLine SC 322*
2. *Athar Parwez Versus Union of India, 2024 SCC OnLine SC 3762*
3. *Shoma Kanti Sen Versus State of Maharashtra and another, 2024 SCC OnLine SC498*
4. *Javed Gulam Nabi Shaikh Versus State of Maharashtra and another, 2024 SCC OnLine SC 1693*
5. *Shaikh Javed Iqbal @ Ashfaq Ansari @ Javed Ansari Versus State of Uttar Pradesh, 2024 SCC OnLine SC 1755*



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6. *Jalaluddin Khan Versus Union of India, 2024 SCC OnLine SC 1945*
7. *Vernon Versus State of Maharashtra and another, 2023 SCC OnLine SC 885*
8. *Mukesh Salam Versus State of Chhatisgarh and another, Special Leave to Appeal (Crl.) 3655/2024.*
9. *Union of India Versus K.A. Najeeb (2021) 3 SCC 713.*

18. Mr. Sukhdeep Singh Sandhu, learned counsel for the NIA, after referring the reply filed by the NIA and charges framed against the accused by learned trial Court, submitted that the accused learnt making of crude improvised bombs from Bikramjit Singh @ Bikkar Panjwar @ Bikkar Baba (A-9), who had radicalised the like minded persons and had been organizing unlawful activities against the unity and integrity of State. All the three accused are in touch with Gurpatwant Singh Pannu, who is running campaign against the State under the banner 'Sikh for Justice' and 'Referendum 2020' and in furtherance of their conspiracy, they had concealed the explosive substance and bombs etc. in a vacant plot in village Pandori Gola on Patti Tarn Taran Road. They planned to throw the bomb on Dera Divya Jyoti Jagran Sansthan at Muradpura in Tarn Taran. To extract the concealed bombs and explosive material, accused Harjit Singh @ Harjit (A-2) provided spade to accused Gurjant Singh (A-3) but the explosion took place and Gurjant Singh (A-3) lost vision of both of his eyes. Accused Harjit Singh @ Harjit (A-2), got Gurjant Singh admitted in the hospital. The whole activity was undertaken at the instance of accused Masa Singh @ Massa Singh @ Mandeep Singh (A-1). He cannot take the benefit of the fact that he is suffering from disability from his legs. He is paralyzed since birth but he indulged in



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terrorist activities promoting disharmony, enmity, hatred and ill-will between various religious communities. The allegations against the accused, who were ordered to be released on regular bail, are different from the allegation against these three accused and therefore, the present accused cannot be released on bail on the ground of parity. He vehemently prayed for dismissal of bail application.

19. Section 43D(5) of UA (P) Act engrafts an embargo on grant of bail in case prima facie cases found to be made out against the accused. This Section reads as under:-

“43D(5)-Notwithstanding anything contained in the Code (Criminal Procedure Code, 1973), no person accused of an offence punishable under Chapters V and VI of this Act shall 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.”

20. In **Tapas Kumar Patil's** case Hon'ble Apex Court gave benefit of regular bail to accused because he was arrested in 2020 because of slow progress in the trial. However, the alleged recovery from the possession of accused was also considered which was 95 pairs of shoes, green black printed cloth, two bundles of electric wire each of 100 meter, led lens, walky-talky and other articles.



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21. In **Athar Parvez's** case (supra), accused was given benefit of bail because after his arrest till the decision of bail application by Hon'ble Supreme Court, charges were not framed against him.
22. In ***Soma Kanti Sen's and Vernon's cases (supra)***, the allegation was that in Cultural programme dated 31.12.2017 at Shanivarwada, Pune, provocative speeches were delivered and there were cultural performances, which had the effect of creating enmity between caste groups, resulting in disruption of communal harmony, violence and loss of life. Initially, the said FIR was registered against organisers of Elgar Parishad event, which included activists of cultural body known as Kabir Kala Manch. Certain literature electronic devices and mobile phones were recovered from the possession of both the accused.

There was no allegation of causing explosion against these two accused in the said case.
23. In **Javed Gulam Nabi Shaikh's** case (supra), the prosecution allegation against the accused were smuggling of counterfeit notes from Pakistan to Mumbai. The accused allegedly visited Dubai and when he was in Dubai, he is said to have received counterfeit currency notes from one of the absconding accused persons.
24. In **Sheikh Javed Iqbal @ Ashfaq Ansari @ Javed Ansari's** case (supra), the allegation against the accused was engaging in illegal trade of supply of counterfeit Indian currency notes in Nepal.
25. In **Jalaluddin Khan's** case (supra), the prosecution allegation against the accused was that his wife was owner of a building known as Ahmad Palace and that the first floor of the said building was given on rent to



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one Athar Parvez and that the first floor premises were being used for objectionable activities of an organization called Popular Front of India (PFI) and there was allegedly no connection between the activities of said organization and accused. The accused of that case was arrested on 12.07.2022 and the building where unlawful activities took place was owned by his wife and accused was retired police constable. There was alleged recovery of incriminating article and documents pertaining to the organization PFI. In the said case, there was no recovery of explosive substance etc.

26. In **Mukesh Salam's** case (supra), out of 14 accused, 12 accused were already granted bail either by the High Court or by Hon'ble Apex Court and only 40 witnesses had been examined by the time bail application of accused came for hearing.
27. In **K. A. Najeeb's** case (supra), co-accused were already convicted and sentenced for eight years, K.A. Najeeb was proclaimed offender at that time and supplementary challan against him was presented. He had already spent about 5 years in custody and there was certainty of sentence which could have been awarded to him i.e. 8 years in case of his conviction and therefore, he was enlarged on regular bail as the period of incarceration already undergone had exceeded the substantial part of prescribed sentence.
28. The facts of all the cases relied upon by learned counsel for the accused are different from the facts of this case and cannot be applied to the facts of the present case.



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29. The prosecution allegations are that in the powerful bomb explosion, Gurjant Singh (A-3) received injuries and he lost vision of both of his eyes. He was got admitted in hospital by the accused Harjit Singh @ Harjit (A-2) and spade for digging the pit where explosive material was concealed, was also provided to Gurjant Singh (A-3) by accused Harjit Singh @ Harjit (A-2) and in the explosion, Bikkar Singh @ Vikram @ Vicky (D-1), Harpreet Singh @ Happy @ Gujjar (D-2) lost their lives. Since, Gurjant Singh (A-3) himself received injuries in the explosion, it *prima facie* proves his presence at site of blast. Harjit Singh @ Harjit (A-2) allegedly took him to the hospital and provided the spade for digging; which also proves the presence of accused Harjit Singh @ Harjit (A-2) at the site of blast. The blast site was adjacent to the rice fields owned by accused Harjit Singh @ Harjit (A-2).

30. During the investigation, Harjit Singh @ Harjit (A-2) allegedly suffered disclosure statement on 06.10.2019 that he had been associated with Gurjant Singh (A-3) Vikram @ Vicky @ Bikkar Singh (D-1) and Harpreet Singh @ Happy, (D-2) and other associates including Bikkar Singh @ Bikkar Baba Sodhi.

He also stated that he had 04 below mentioned Facebook Ids, which were used to send/ receive and share messages with his Facebook friends, he used to receive photographs, videos, messages related to khalistan. He also liked, shared and made comments on the shared articles. These photographs, videos, messages and lectures were meant for radicalizing of youth. His Facebook Ids are:-

1. Facebook Id: harjitsingh.harjitsingh.35728



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2. <https://www.facebook.com/harlitsingh.harjitsingh.33234>

3. Facebook URL: <https://www.facebook.com/people/HarjitSingh/100023305638876>

4. Facebook id: harjitsingh.singh.773

Apart from this, he had been using Facebook Id 8872642918 of his wife.

31. It was also found during investigation on the basis of extracted mobile data of Harjit Singh @ Harjit (A-2) that he was in contact with other accused. He was facebook friend of one Ranjeet, who used to upload incriminating contents against Government of India and support 'Referendum 2020' on facebook. On 12.07.2018, the said facebook friend of accused uploaded that "*India is a terrorist country Khalistan Zindabad 2020*", which clearly indicated that Harjit Singh @ Harjit (A-2) was in touch with Khalistani supporters through social media platform. Besides above, scrutiny of his facebook reveals that he had lots of Pakistani nationals in his friend list. He used to watch video of SFJ lawyer Gurpatwant Singh Pannu, who is stated to be chief patron of the unlawful association namely "Sikhs For Justice", and running secessionist campaign under the name "Referendum 2020".
32. The allegation against accused Masa Singh @ Massa Singh @ Mandeep Singh (A-1) are that 7 mobile phones, his clothes, battery like object, 176 number, shrapnel and 6 cartridges were recovered from him. He is also stated to be in touch with accused Harjit Singh @ Harjit (A-2), Gurjant Singh (A-3), Sher Singh @ Shera (since deceased) (A-5), A.S. (name withheld as he was juvenile), Bikramjit Singh @ Bikkar Panjwar @ Bikkar Baba (A-9), Bikkar Singh @ Vikram @ Vicky (D-1) (since



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died) and Harpreet Singh @ Happy @ Gujjar (D-2), (since died). The data allegedly extracted from his mobile phone indicates that he used to share anti-India posts, incriminating videos pertaining to Bhindrawala, in which some of the people were raising slogans “Khalistan Zindabad”. Contacts of Gurjant Singh (A-3) and Bikkar Singh @ Vikram @ Vicky (D-1) (since died) were also recovered from his mobile.

33. These three accused cannot take benefit of bail order in favour of co-accused Manpreet Singh @ Mann (A-7), Amarjeet Singh @ Amar Singh (A-8) and Chandeeep Singh @ Gabbar Singh (A-4) as their role and evidence collected against them is different. The evidence collected against the present applicants clearly shows their involvement in the offences.
34. The allegation against the present accused are that on the directions of accused Masa Singh @ Massa Singh @ Mandeep Singh (A-1), accused Harjit Singh @ Harjit (A-2), Gurjant Singh (A-3) and Bikkar Singh @ Bikram @ Vicky (D-1) and Harpreet Singh @ Happy (D-2) had prepared the crude bombs, concealed the same by burying them in vacant field near the house of Harjit Singh @ Harjit (A-2) at village Pandori Gola, PS Sadar, District Tarn Taran. On 04.09.2019, when accused Harjit Singh @ Harjit (A-2), Gurjant Singh (A-3) and Bikkar Singh @ Bikram @ Vicky (D-1) and Harpreet Singh @ Happy (D-2) were digging a pit to retrieve the concealed explosives for execution of their plan of throwing the said bombs on Dera Divya Jyoti Jagran Sansthan at Muradpur, Tarn Taran, accidentally the bombs exploded during retrieving and as a result of explosion, accused Bikkar Singh @



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Bikram @ Vicky (D-1) and Harpreet Singh @ Happy @ Gujjar (D-2) died and Gurjant Singh (A-3) got seriously injured. The learned trial Court rightly held that the allegations against the present accused are serious in nature. There exists prima facie case against them regarding their involvement in the offence of indulging in terrorist activities, which amounts to endangering the unity and integrity of country and creating disharmony, ill-will and hatred amongst different religious groups.

35. In view of above discussion, the accused are not entitled for release on regular bail. Accordingly, the appeals filed by accused are dismissed.
36. However, we cannot overlook the fact that the accused are in custody since 15.09.2019 and as on the day only 26 prosecution witnesses, out of total 158 (after pruning the list) prosecution witnesses have been examined by the trial Court. As such, the trial Court is directed to take the following steps for expeditious conclusion of the trial:-

- (i) The trial Court shall frame a schedule of dates in advance for summoning the witnesses and shall also endeavour to record the statements of the PWs whose presence is duly secured. Special Messengers be deputed for securing the presence of the prosecution witnesses. If deemed necessary, a letter may be written to the Senior Superintendent of Police, concerned, for getting the needful done for ensuring timely presence of prosecution witnesses; and
- (ii) The prosecution is directed to ensure the presence of all the prosecution witnesses before the trial Court on the dates as may be fixed by the trial Court for recording prosecution evidence. The District Attorney concerned to take necessary steps for the purpose of

