



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

CRA-D-774-2025 (O&M)
Date of Decision:-10.4.2026

Dalip Kumar

... Appellant

Versus

State of Punjab

... Respondent

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

Present:- Mr. Hakam Singh, Advocate with
Mr. Ajay Singh Virk, Advocate and
Ms. Amrita Negi, Advocate for the appellant.

Mr. Siddharth Attri, AAG, Punjab.

GURVINDER SINGH GILL, J.

1. The appellant assails order dated 2.5.2025 passed by learned Additional Sessions Judge, Shaheed Bhagat Singh Nagar vide which his application seeking grant of anticipatory bail in respect of a case registered vide FIR No.0020, dated 4.4.2024 at Police Station Balachaur, District SBS Nagar, under Sections 302, 120-B, 212, 121, 121-A of Indian Penal Code, Sections 25, 27 of Arms Act and Sections 10, 13, 15 and 16 of Unlawful Activities (Prevention) Act (UAPA), has been dismissed.
2. The FIR was lodged at the instance of Gurpreet Singh son of Gurdev Singh. The gist of the FIR is as under:

“That on 03.04.2024 at about 01:00 PM, I received call from my uncle Rattandeep who stated that they have to go to Balachaur to



take money from some person. Consequently, I alongwith my uncle Rattandeep Singh went to Balachaur from Karnal on car MG Hector bearing No. HR-05-BJ-4505. Rattandeep Singh was driving the car and I was sitting on left seat. We reached Balachaur at about 06:30 PM. Rattandeep Singh received call from a person who told him to come near a hospital situated adjoining to HR Dhaba. We reached said place at about 06:40 PM, where two persons were present on Splendor motor-cycle on left side of the road near HR Dhaba. We stopped the car on their indication. I alighted from car as instructed by Rattandeep Singh in order to take money from said motorcyclist while Rattandeep Singh remained sitting in the car. When I was talking to one person, in the meantime second person went near left window of car of my uncle Rattandeep and after opening left door of the car, the said person opened fire with his pistol on Rattandeep Singh. I rushed near the car and noticed that Rattandeep Singh had died. In the meantime both motorcyclists fled away from the spot on motorcycle along with pistol. While leaving, those persons also took away my Samsung mobile as well as mobile of Rattandeep Singh having sims.”

3. It is further the case of prosecution that during the course of investigation, the police recovered a poster having photographs of Gurpreet Gopi @ Nawanshahariya, wherein the responsibility of murder of Rattandeep Singh was claimed. During investigation the police also recovered sim No.88725-00869 allegedly used by the murderer and the said sim was found to be issued in the name of Sat Parkash. Said Sat Parkash upon his arrest confessed that he had handed over the said sim to Manish Kumar @ Lucky and that said Manish Kumar had further handed over the said sim to Narinder @ Sipu.
4. Consequently, pursuant to the confessional statement of Sat Parkash, Manish Kumar @ Lucky as well as Narinder Singh @ Sipu were arrested on 22.6.2024. Narinder Singh @ Sipu upon interrogation confessed that he had



further handed over the said sim to Gagandeep Bangar and Jaspreet @ Jassi on the asking of Jaswinder Singh @ Chindu and in lieu of the same he (Narinder Singh @ Sipu) had received an amount of Rs.2,000/- from Gagandeep Bangar and Jaspreet @ Jassi. Gagandeep Bangar and Jaspreet @ Jassi were consequently nominated as accused vide GD No.16 dated 23.6.2024.

5. Said Gagandeep Bangar was arrested on 12.7.2024 and upon interrogation he disclosed that on 3.4.2024 his friend Jaspreet Singh @ Jassi and Simranjit Singh @ Bablu had met him (Gagandeep Bangar) in the house of Dalip Singh @ Kashi and that said Jaspreet Singh @ Jassi and Simranjit Singh @ Bablu were carrying a pistol and they had committed murder of Rattandeep. Said Gagandeep Bangar further disclosed that Jaspreet Singh @ Jassi and Simranjit Singh @ Bablu had stayed in the house of Dalip Singh @ Kashi as he (Gagandeep Bangar) was having keys of the house of Dalip Singh @ Kashi and that on the next day they left from the house of Dalip Singh @ Kashi in Indigo Car leaving behind their motorcycle in the said house.
6. Learned counsel for the appellant submitted that the appellant is nowhere named in the FIR and nor is alleged to have participated in the occurrence of firing at deceased and has subsequently been nominated as an accused pursuant to a string of disclosure statements and that even if all these disclosure statements are taken to be correct, the only evidence against him is that some co-accused had stayed in his house for a night, whereas Dalip Singh (appellant) was away to Australia w.e.f. 26.6.2023 and had arrived back in Delhi on the evening of 2.4.2024, whereas the occurrence in question is stated to have taken place on 3.4.2024. It has been submitted that since the



appellant had to go to Australia for a long period, he had handed over the keys of his house to Gagandeep Bangar to look after his house in his absence and that he had no knowledge whatsoever that his house was going to be misused by said Gagandeep Bangar or that some criminals used to visit him. Learned counsel further submitted that, under these circumstances, when admittedly the appellant was not amongst the assailants and otherwise has a clean record, he cannot be said to have committed any offence under Unlawful Activities (Prevention) Act and that at best the facts and circumstances would attract an offence under Section 249 of the Bharatiya Nyaya Sanhita (BNS), 2023 (Section 212 of the Indian Penal Code) and that too while he was away from his house.

7. Opposing the appeal, learned State counsel submitted that the present appeal deserves to be dismissed at the very outset inasmuch an application seeking grant of anticipatory bail for having committed offence under Unlawful Activities (Prevention) Act is specifically barred under provisions of Section 43D(4) of Unlawful Activities (Prevention) Act, which is reproduced herein-under:

“Section 43D(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.”

8. Learned State counsel further submitted that granting shelter to a terrorist would attract an offence under Unlawful Activities (Prevention) Act and, as such, the appellant does not deserve any leniency.
9. We have considered rival submissions addressed before this Court.



10. Since the appellant has annexed a copy of his passport, air tickets and boarding pass which suggest that the appellant had remained out of country w.e.f. 26.6.2023 and had arrived back to Delhi on 2.4.2024 and the occurrence in question had taken place on 3.4.2024, his involvement in the entire episode would certainly be rendered debatable. In any case, even if it is held that Gagandeep Bangar to whom the appellant had allegedly handed over the keys of his house so as to ensure that his house is taken care of, had allowed some criminals to stay in the said house, the said fact also can not *ipso facto* make him liable for having committed offence under Unlawful Activities (Prevention) Act.
11. Having regard to the totality of facts and circumstances of the case and also in view of provisions of Section 43 of Unlawful Activities (Prevention) Act, we deem it appropriate to dispose of the instant appeal granting liberty to the appellant to surrender before learned Trial Court/Special Court and to move an application seeking grant of regular bail, which shall be considered and disposed off by learned Trial Court/Special Court on the same very day, the said application is filed provided the same is filed in the forenoon of the day.
12. It is further directed that as and when any such application is filed in the forenoon of the day before learned Trial Court/Special Court, the appellant shall ensure that copies of reply dated 3.7.2025 and also of reply dated 22.1.2026 as have been filed in this Court by the State, are duly annexed with such application so as to enable learned Trial Court/Special Court to know about stand of the State also and to avoid delay in disposal of such application.



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13. The instant appeal stands disposed off accordingly in above mentioned terms.

(GURVINDER SINGH GILL)
JUDGE

10.4.2026

Pankaj

(RAMESH KUMARI)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No