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

**CRA-D-443-2025(O&M)
Date of decision : 04.09.2025**

Charanjit Singh @ Patialavi

....Appellant

Versus

State of Punjab

...Respondents

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL
HON'BLE MR. JUSTICE DEEPINDER SINGH
NALWA**

Present: Ms. Gursharan Kaur Mann, Senior Advocate with
Ms. Armandeep Kaur Sidhu, Advocate,
Mr. Anmol Jeevan Singh Gill, Advocate and
Mr. Arshjot Singh Moni, Advocate for the appellant.

Mr. Siddharth Attri, AAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. This appeal is directed against order dated 27.02.2025, vide which the learned Special Court, Ludhiana, has declined the application of the appellant for grant of anticipatory bail in respect of FIR No.154 dated 23.07.2010, under Sections 4 and 5 of Explosive Substances Act, 1908 and Sections 17, 18 and 20 of Unlawful Activities (Prevention) Act, 1967, registered at Police Station Machhiwara, Ludhiana.

2. The allegations, in nutshell, are that on 23.07.2010 at about 07.50 p.m., the police had laid barricades in the area of Sutlej Bridge, village Dopana. Around that time, two persons were seen coming on a



motorcycle. While the police was able to apprehend one of them who disclosed his name as Gurmail Singh, but the appellant who was sitting on the pillion seat managed to escape. Upon search of co-accused Gurmail Singh, 230 gm of RDX was recovered. Upon search of the motorcycle, two live detonators, a small battery and a wire measuring 5 metres was recovered from a plastic bag which was kept concealed under the cover of the front light of the motorcycle. The appellant – Charanjit Singh @ Patialavi was declared a proclaimed offender and later came to be arrested on 24.04.2022. However, on account of want of sanction to prosecute the appellant under Sections 17, 18 and 20 of Unlawful Activities (Prevention) Act, 1967 and Sections 4 and 5 of Explosive Substances Act, 1908, he was discharged vide order dated 19.09.2022 passed by learned Additional Sessions Judge Ludhiana.

3. Subsequently, sanction was accorded to prosecute him for offences under Sections 17, 18 and 19 of the Unlawful Activities (Prevention) Act, 1967 vide order dated 23.09.2022 passed by the Chief Secretary, Government of Punjab, Department of Home Affairs and Justice, Punjab. Sanction was also accorded by the District Magistrate, Ludhiana, vide order dated 10.02.2023 for prosecuting him under Section 7 of the Explosive Substances Act, 1908. Consequently, non-bailable warrants came to be issued by the learned Additional Sessions Judge, Ludhiana, leading the appellant to filing an application for grant of anticipatory bail before the learned Special Court. The learned Special Court, however, dismissed the application vide impugned order dated



27.02.2025 holding therein that an application for grant of anticipatory bail was not maintainable.

4. Today, at the very outset, learned Senior counsel for the appellant submitted that the appellant wishes to surrender before the trial Court and to move an application for grant of regular bail. She has, however, submitted that some protection may be afforded to the appellant to enable him to surrender before the trial Court concerned. She has also drawn attention of this Court to an order dated 16.03.2020 passed in Special Leave to Appeal (Crl.) No.1916 of 2020 titled **Anand Teltumbde Vs. The State of Maharashtra and others**, by the Hon'ble Apex Court in the identical circumstances wherein also similar kind of prayer was made and the accused therein were granted protection to enable them to surrender before the Court concerned.

5. Having heard learned Senior Counsel for the appellant and also the learned State counsel and while particularly bearing in mind that the appellant who had earlier remained associated with investigation wishes to surrender before the trial Court, the instant appeal is disposed off with liberty to the appellant to surrender before the trial Court, so as to move an application for grant of regular bail. The appellant is, however, afforded protection against his arrest for one week from today to enable him to surrender before the trial Court.

6. Needless to mention that upon the appellant surrendering before the trial Court and filing an application for grant of regular bail, the trial Court concerned shall proceeded to dispose off the same, in accordance with law.



7. Disposed off accordingly.
8. Pending miscellaneous application(s), if any, shall stand disposed off.

(GURVINDER SINGH GILL)
JUDGE

04.09.2025

d.gulati

(DEEPINDER SINGH NALWA)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No