

**IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH.**

CRA-D-325-2020 (O&M)

Date of decision: August 05, 2020

Balvir Singh @ Binda

...Appellant

Versus

National Investigation Agency and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE JASWANT SINGH  
HON'BLE MR. JUSTICE ASHOK KUMAR VERMA**

Present: Mr. B.S. Loomba, Advocate for the appellant.  
Mr. Sukhdeep S. Sandhu, Special counsel for NIA.

**Ashok Kumar Verma, J.**

[The aforesaid presence is being recorded through video  
conferencing since the proceedings are being conducted  
in virtual Court]

**CRM-18612-2020:**

This is an application for placing on record certain documents  
as Annexures P-3A, P-3B, P-4 and P-5. Application is allowed as prayed  
for. Said documents are taken on record.

**CRA-D-325-2020:**

This is an appeal against the order dated 29.06.2020, passed by  
Special Judge, NIA, Punjab, Chandigarh, dismissing the regular bail  
application filed by the appellant.

In brief, the facts of the case are that a secret information was  
received at Police Station Special State Operations Cell (SSOC), Punjab that

Gurmeet Singh @ Bagga, presently residing in Germany is in touch with *Khalistani* leaders in an endeavour to revive terrorism in Punjab and heavy funding is being done for this purpose from foreign countries. One Maan Singh, presently lodged in Central Jail, Amritsar was in touch with aforesaid Gurmeet Singh @ Bagga through mobile and social media while in jail. Said Maan Singh motivated another inmate Akashdeep Singh presently on bail to join terrorism and got him in contact with Gurmeet Singh @ Bagga, who in connivance with Ranjeet Singh @ Neeta, Pakistan based chief of *Khalistan Zindabad* Force, smuggled a huge consignment of arms, ammunitions, explosives and fake currency from Pakistan into India with the help of Maan Singh and the same was received by Akashdeep Singh and his associates namely, Balwant Singh, Balvir Singh (present appellant), Harbhajan Singh, Shubdeep Singh and their unknown associates. These persons were in preparation to execute a huge terrorist incident in Punjab so as to create an atmosphere of disharmony, communal tension and instability in Punjab and other States of India. Accordingly, FIR No.0013 dated 22.09.2019 was registered at Police Station State Special Operation Cell, Amritsar, Punjab under Sections 489-A, 489-B, 489-C and 120-B IPC, Section 25 of the Arms Act, Sections 3, 4 & 5 of Explosive Substance Act, 1908 and Section 52-A of the Prisons Act, 1894. Subsequently, four accused namely, Akashdeep Singh, Balwant Singh, Balvir Singh (present appellant) and Harbhajan Singh were arrested alongwith consignment of arms, ammunition and explosives at the outskirts of town Chohla Sahib, Taran Tarn. Thereafter, the Central Government, Ministry of Home Affairs, New Delhi vide order dated 30.09.2019 entrusted the investigation of this case to the NIA and after taking

over the investigation, the NIA re-registered the case No.RC-21/2019/NIA/DLI dated 01.10.2019.

Learned counsel for the appellant submits that the appellant has been falsely implicated in the present case without verifying the actual facts as well as the allegations. According to him the appellant is suffering from serious heart problem which is incurable dilation of heart chambers and defect in one of the heart valve and his health is deteriorating day by day in the jail. He lastly contends that appellant has been incarcerated since the date of his arrest i.e. 22.9.2019. Learned counsel further contends that if appellant is not released on bail, he may suffer COVID-19 virus.

On the other hand, learned counsel for NIA has opposed the prayer. He submits that the present appeal is not maintainable and is liable to be dismissed in view of Section 43-D (5) of the Unlawful Activities (Prevention) Act, 1967. According to him, appellant is required for fair and speedy trial of the case.

We have heard learned counsel for the parties and given careful thought to the facts of the case.

In the present case, the appellant was arrested on 22.09.2019 alongwith 0.30 bore pistol, magazine and live ammunition in his possession and it has been established that he was closely associated with the operatives of *Khalistan Zindabad* Force and arms, ammunition, communication devices and FICN were recovered from the car in which he alongwith co-accused was travelling, which were sent via drones from across the border from Pakistan into the Indian Territory. It is further seen that as per record, the appellant is not suffering from any major ailment. It is further seen that initially FIR No.13

dated 22.9.2019 was registered in Police Station SSOC, Amritsar and thereafter NIA took over the investigation of the case and re-registered it as case No.RC-21/2019/NIA/DLI dated 01.10.2019 in Police Station NIA, New Delhi.

So far as the grant of bail to the appellant on medical ground is concerned, suffice to say, as per report received from the Senior Medical Officer, Central Jail, Amritsar, the patient (appellant) routinely visited the jail OPD and he was also referred to Guru Nanak Hospital, Amritsar on 20.3.2020, where he was examined by the Cardiologist and Medicine Specialist and some medicines were prescribed to him. It is further mentioned therein that the appellant was not suffering from any serious ailment.

Having regards to the totality of the facts and circumstances aforementioned coupled with the serious nature of allegations levelled against the appellant, we do not deem it fit to grant the concession of regular bail to the appellant.

Dismissed.

**(JASWANT SINGH)**  
**JUDGE**

**(ASHOK KUMAR VERMA)**  
**JUDGE**

August 05, 2020  
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No