



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

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CRM-M-39766-2024 (O&M)

Date of decision: 01.05.2025

Money Kalra

.....Petitioner

Versus

Union of India through Narcotics Control Bureau, Chandigarh

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Vikram Chaudhri, Sr. Advocate with
Mr. Keshvam Chaudhri, Advocate,
Ms. Diya Bhagwan, Advocate,
Mr. Deepak Manchanda, Advocate and
Mr. S.K. Sandhir, Advocate
for the petitioner.

Mr. Sourabh Goel, Spl. P.P., NCB with
Ms. Samridhi Jain, Advocate,
Ms. Anju Bansal, Advocate and
Mr. Kush Goyal, Advocate
for the respondent-NCB.

MANJARI NEHRU KAUL, J.

1. The petitioner is seeking the concession of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in FIR/NCB Crime No.79 dated 15.11.2022 under Sections 8, 8-A, 18, 21, 23, 25, 27A, 27B, 28, 29, 60 & 62 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station N.C.B. Chandigarh.

2. Learned senior counsel appearing for the petitioner has strenuously argued that the petitioner has been falsely implicated in the instant case. It is submitted that the petitioner was not named in the



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FIR and his name surfaced for the first time solely on the basis of a disclosure statement of co-accused Akshay Chhabra, which, it is contended, carries negligible evidentiary value in the eyes of law. Learned senior counsel has further contended that the petitioner has been in custody since 22.08.2023, yet no contraband or incriminating material has been recovered at his instance.

3. Drawing attention of this Court to the supplementary complaint annexed as Annexure P-1, it is submitted that no discovery or recovery of any narcotic substance has been effected against the petitioner till date. It is still further urged that the sole basis for the petitioner's implication in the present case appears to be the disclosure statement made during his custodial interrogation which, having led to no recovery, is inadmissible under law. Learned senior counsel has relied upon the judgment of the Supreme Court in ***Tofan Singh Vs. State of Tamil Nadu : (2021) 4 SCC 1***, to fortify the submission that a confessional statement not leading to any discovery is bereft of evidentiary value.

4. It has still further been argued that the present prosecution against the petitioner is vitiated by *malafides* and the petitioner is being used as a scapegoat in place of his father co-accused Surinder Kalra, who is stated to be living in Dubai and against whom according to the learned senior counsel, the respondent-NCB is unable to proceed. It has been asserted that the petitioner is thus being made to bear the brunt of proceedings meant for another.

5. Learned senior counsel for the petitioner has further



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submitted that as many as 25 accused have been arrayed in the present case, and out of the 142 prosecution witnesses cited, only 09 have been examined by the prosecution so far. The NCB is stated to be relying upon 613 documents spread over 8596 pages, thereby indicating the voluminous nature of evidence and the protracted duration which the trial is likely to entail. In such circumstances, it has been urged that prolonged incarceration of the petitioner, whose trial is unlikely to conclude in the near future, would be unjust.

6. Learned senior counsel has lastly submitted that apart from the instant matter, the petitioner has only one prior case registered against him under Section 302 of the IPC, in which he has already been discharged. A prayer has, therefore, been made to accept the prayer of the petitioner and enlarge him on bail.

7. *Per contra*, learned standing counsel for the respondent-NCB has vehemently opposed the prayer and submissions made by the learned senior counsel for the petitioner. It has been submitted, on instructions, that the allegations against the petitioner are of grave and serious nature, which go to the very root of a highly organized transnational drug syndicate. Learned standing counsel has drawn the attention of the Court to an organizational chart prepared by the investigating agency and has asserted that it has come during investigation that the petitioner is a key operative in a trade-based money laundering module facilitating *hawala* transactions, drug proceeds, and financial remittances for narcotic consignments destined for Pakistan via Dubai-based channels.



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8. It has been still further submitted that the father of the petitioner, Surinder Kalra, along with Akshay Chhabra—the alleged kingpin of the syndicate—was operating a firm by the name of M/s Jagdambe Trading Co., which allegedly served as a front for laundering drug money and converting illicit proceeds into legitimate financial flows. It has been submitted, on further instructions, that the petitioner joined the said firm in the year 2019 and thereafter had taken charge of managerial functions, for which he was being paid Rs.01 lakh per month—half in cash and half through his bank account.

9. It has still further been contended by the learned standing counsel for the NCB that the petitioner, in collusion with co-accused persons, facilitated the export of heroin concealed in tomato ketchup and pomegranate juice bottles. The operation was allegedly coordinated under the supervision of the father of the petitioner, Surinder Kalra, and an extensive money trail has reportedly been unearthed, pointing towards the involvement of the petitioner. Despite this, it has been submitted that the petitioner has failed to account for the crores of rupees credited to his and associated bank accounts.

10. Attention has also been drawn to telecommunication records which reflect approximately 65 and 165 calls made from two separate numbers between the petitioner and the prime accused Akshay Chhabra, purportedly evidencing close association and sustained involvement in the illicit operations.

11. Learned standing counsel for the NCB has further submitted that following the registration of the FIR, the petitioner's



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father absconded to Dubai on 18.11.2023 and is now evading the process of law. It has been further submitted that apart from the petitioner's father, his mother Neelam Kalra and even brother Sunny Kalra have taken refuge in Dubai and proceedings in absentia have already been initiated against them.

12. It has been still further submitted that the total recovery effected in the present case is approximately 39.926 kgs of heroin and, thus far, 22 persons who are part of the syndicate have been arrested. The petitioner is involved in two other cases including a case under the NDPS Act as per instructions received by the learned standing counsel. Learned standing counsel has submitted that since the petitioner has played an integral role in a large drug syndicate, which poses a threat to the sovereignty and integrity of the nation, be not extended the concession of bail at this stage as there is a genuine apprehension that he too could abscond and further derail the trial.

13. On a specific query put to the learned standing counsel for the NCB, he upon instructions, has submitted that out of the 100 prosecution witnesses cited, 10 have been examined so far. It has also been brought to the notice of this Court that in pursuance of an order passed by this Court the trial is proceeding on a weekly basis and, on an average, 02 witnesses are being examined per date of hearing . It has also further been brought to the notice of this Court, on instructions, that out of the 90 remaining witnesses, approximately 60 are material witnesses.

14. It has been submitted by the learned standing counsel for



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the NCB that the learned Trial Court may be directed to take up the case twice a week instead of once a week as is being taken up presently; the prosecution would extend full cooperation in the expeditious conclusion of the trial provided no unnecessary adjournments are sought by the defence.

15. I have heard learned counsel for the parties and perused the relevant material on record.

16. This Court has carefully considered the submissions advanced on behalf of the petitioner as well as the respondent-NCB. The factual matrix emerging from the material placed on record *prima facie* reveals deeply disturbing contours of a transnational narcotics trafficking network, camouflaged under layers of financial operations and facilitated through elaborate trade-based money laundering mechanisms. The allegations levelled and the role played by the petitioner are not only grave but also of a nature that *prima facie* go to the very core of national security and public order.

17. It is not in dispute that the petitioner was not named in the FIR and was later implicated on the basis of a disclosure statement. The legal arguments advanced by learned senior counsel for the petitioner, particularly in reference to *Tofan Singh's case (supra)*, are not without substance in a purely legalistic context. However, the present case cannot be viewed in isolation or in a conventional framework of individual culpability, divorced from the broader conspiracy and the collective operational structure of the syndicate.

18. The materials placed on record reveal that the petitioner

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was allegedly a managerial figure in M/s Jagdambe Trading Co., a firm allegedly set up and operated by the petitioner's father Surinder Kalra in collaboration with co-accused Akshay Chhabra. This firm, as per learned standing counsel for respondent-NCB, functioned as a conduit for both investment of drug proceeds and legitimization of illicit funds. The petitioner's role as per the prosecution was not that of a mere employee but an entrusted and active participant, receiving substantial remuneration including cash components.

19. The recovery of nearly 40 kgs of heroin—an amount indicative of commercial scale trafficking—coupled with the pattern of smuggling narcotics in everyday consumables such as tomato ketchup and pomegranate juice bottles, reveals a well-orchestrated mechanism intended to escape detection and exploit legitimate trade channels. As per the learned standing counsel for respondent-NCB, it surfaced during investigation that there was an intricate money trail, reflecting unexplained inflow of funds running into crores, for which no satisfactory explanation has been tendered.

20. The submission made by the learned senior counsel for the petitioner that there is no likelihood of the trial concluding in the near future owing to the volume of evidence and the number of witnesses, while factually correct, cannot by itself furnish a ground for enlargement on bail in a case of such magnitude and implications. The principle of speedy trial must be balanced with the nature of the allegations, the gravity of the offence, and the potential threat posed to the integrity of the investigation.



21. Moreover, the fact that the father of the petitioner and his immediate family members are presently absconding and living in Dubai, coupled with the assertion that proceedings in absentia have commenced against them, creates a substantial risk of the petitioner fleeing the jurisdiction, if released.

22. This Court cannot also turn a blind eye to the involvement of the petitioner in other criminal cases under the NDPS Act and one under Section 302 of the IPC, notwithstanding his discharge therein. Furthermore, as per the learned standing counsel for the respondent-NCB, during investigation, a number of telephonic records between the petitioner and the alleged kingpin were gathered and are part of the charge sheet, which further militates against the petitioner's plea of false implication.

23. In view of the above and considering the magnitude of the narcotics recovered, the seriousness of allegations, the role of the petitioner in the financial architecture of the syndicate, the transnational dimensions of the crime, and the grave implications on national security, this Court does not deem it fit to extend the concession of bail to the petitioner. The instant petition stands dismissed accordingly.

24. However, keeping in view the voluminous evidence collected by the respondent-NCB and the number of witnesses to be examined in the present case, this Court deems it fit and appropriate to direct the learned Trial Court to make earnest efforts to conclude the trial at the earliest; as apprised by the counsel for the parties that the case is being taken up by the learned Trial Court on a weekly basis, the



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learned Trial Court may take up the case for hearing twice a week.

25. It goes without saying that both the prosecuting agency i.e. the NCB and the defence, shall extend full cooperation in the expeditious conclusion of the trial.

26. Pending applications, if any, stand disposed of.

01.05.2025

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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