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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.44360 of 2024

Chetan Kakkar ... Petitioner

Versus

State of Punjab ... Respondent

1.	The date when the judgment is reserved	06.11.2025
2.	The date when the judgment is pronounced	27.11.2025
3.	The date when the judgment is uploaded on the website	28.11.2025
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Vipul Jindal, Advocate,
for the petitioner.

Ms. Ramta Chowdhary, DAG, Punjab,
for the respondent-State.

MANISHA BATRA, J.

1. The petitioner is seeking indulgence of this Court by filing this petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”), for grant of regular bail in case arising out of FIR No.06 dated 23.08.2022 registered under Sections 153, 153-A,

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212, 216 and 120-B of IPC, Sections 21, 27A and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') and Section 25 of Arms Act, 1959 at Police Station State Special Operations Cell, SAS Nagar, District Intelligence Wing (CID).

2. The aforementioned FIR was registered on 23.08.2022, on the basis of a secret information to the effect that one Lakhbir Singh @ Landa residing in Canada who was a follower of Khalistani Separatist Ideology and was engaged in the business of supplying of illicit arms and ammunitions and funding by illegal means, was intending to create disturbance in the State of Punjab in connivance with accused Rajan Bhatti, Gurlal Singh @ Lally, Satnam Singh @ Satta and some unknown persons. During the course of investigation on the basis of a secret input received on 23.11.2022, the accused Kamaljeet Singh @ Prince and Harjasneet Singh Chahal were apprehended from a house situated in Sushant City, Bhatinda whereas accused Rajan Bhatti who was also hiding there, managed to escape. Recovery of weapons was effected from above named Kamaljeet Singh @ Prince and Harjasneet Singh Chahal. Accused Rajan Bhatti was arrested on 08.02.2024. Recovery of commercial quantity of contraband, one firearm and drug money was effected from him. On the basis of the second disclosure statement suffered by accused Rajan Bhatti on 12.02.2024, the petitioner was nominated as accused. A look out circular was issued against him. He was detained at Hyderabad Airport on 09.03.2024 and on an information received from Bureau of Immigration (Ministry of Home

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Affairs), Hyderabad, he was arrested by the jurisdictional police and was brought to Mohali on 10.03.2024. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of co-accused Rajan Bhatti which cannot be considered to be admissible in evidence. Neither the mandatory provisions of NDPS Act had been complied with nor his arrest has been made in accordance with the provisions of law. Rather there is grave violation of Article 22 of Constitution of India and Sections 41 and 41-A of the Code of Criminal Procedure. The grounds of arrest had not been communicated to him at the time of his arrest.

4. It is further argued that the rigors of Section 37 of NDPS Act are not attracted against him at all as no contraband had been recovered from him. He has remained in custody for sufficiently long time. Some of the co-accused have been extended benefit of bail. Being on parity, he too deserves to be given the same benefit. It is, therefore, urged that the petition deserves to be allowed.

5. Per contra, learned Deputy Advocate General, Punjab has vehemently opposed the submissions as made by learned counsel for the petitioner by submitting that the case in hand is of sensitive nature. The petitioner was conniving with the co-accused under a deep rooted conspiracy to cause unrest in the State of Punjab by indulging in illicit trade of contraband and weapons. There are chances of his absconding or committing similar offences, if extended benefit of bail. The statutory provisions of law

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were complied with at the time of arrest of the petitioner. He was served with the grounds of arrest within the statutory time. With these broad submissions, it is urged that the petition does not deserve to be allowed.

6. It is relevant to mention here that the petitioner had been extended benefit of interim bail on 16.10.2024.

7. This Court has considered the rival submissions.

8. The petitioner is alleged to be a member of gang operated by one gangster Lakhbir Singh @ Landa staying abroad and indulged in committing illegal activities in the State of Punjab including trade of contrabands and illicit weapons. There is no recovery from conscious possession of the petitioner. As such, the twin conditions of Section 37 of NDPS Act are not applicable. There is no material to connect him with seizure of contraband and firearm from other accused persons. As regards the stage of trial, even charges have not been framed so far. The question whether petitioner was associated with other accused and was a member of the group or was involved in conspiracy along with the other accused to indulge in business of contrabands or illicit arms or other illegal activities is a subject matter of trial. It is not expedient for this Court to express any opinion in this regard at this stage as any conclusion about the same will be drawn by the learned trial Court only on thorough assessment of the evidence to be produced during trial. In this perspective, no fruitful purpose is going to be served by detaining the petitioner in custody especially when there is nothing on record to show that he has misused the concession of

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interim bail granted to him.

9. Taking into consideration the discussion as made above but without meaning to express any opinion on the merits of the case and in the circumstances peculiar to this case, the petition is allowed and the petitioner is directed to be released on bail subject to his furnishing fresh personal bonds as well as surety bonds by two sureties in the like amount each to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned. The petitioner shall, however, keep the investigating agency informed about his residential address and his mobile number. He will keep his mobile phone active round the clock. He will also remain present before the trial Court on each and every date of hearing, failing which it shall be taken as misuse of the concession of bail. Similarly, if the petitioner is found involved in any other case of similar nature, that will amount to misuse of concession of bail and in that event, it shall be open to the State to apply for cancellation of bail without further reference to this Court.

27.11.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No