

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-D-89-2025 (O&M)

JUDGEMENT RESERVED ON	JUDGEMENT PRONOUNCED ON	OPERATIVE PART PRONOUNCED OR FULL	UPLOADED ON
24.02.2026	19.03.2026	FULL PRONOUNCED	19.03.2026

Hira Lal ...Appellant

Versus

National Investigation Agency (NIA) ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA
HON’BLE MRS. JUSTICE SUKHVINDER KAUR

Present: Mr. R.S. Bains, Sr. Advocate with
Mr. Anmoldeep Singh, Advocate and
Mr. S.S. Cheema, Advocate
for the appellant.

Mr. Sukhdeep Singh Sandhu, Special Public Prosecutor
for the respondent-NIA.

ANOOP CHITKARA, J.

RC No.	Dated	Police Station	Section
03/2020/ NIA/DLI	22.01.2020	New Delhi	13 & 17 of Unlawful Activities (Prevention) Act 1967, Section 21 & 29 of NDPS Act, 120B IPC and Section 27-A of NDPS Act 1985 added vide first supplementary Charge-sheet filed by the NIA
Arising out of FIR No.75	31.05.2019	Tarsika (Amritsar)	13 & 17 of Unlawful Activities (Prevention) Act 1967 and Section 21 & 29 of NDPS Act

Bail Application number before the Sessions Court	CIS No.BA/3143/2024 CNR No.PBSA010077022024
Date of Decision	14.11.2024

1. Aggrieved by the dismissal of regular bail by the Special Judge, NIA, vide order dated 14.11.2024, the appellant had come up before this Court by filing the present appeal under Section 21(4) of the National Investigation Agency Act, 2008.
2. In paragraph 18 of the appeal, the accused declares that he has no criminal antecedents.

3. The appellant's counsel submits that the appellant would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the appellant repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and to which the appellant shall have no objection. Counsel for the appellant further submits that he shall not use his right of speech and expression beyond what is permitted under Article 19 of the Constitution of India. Counsel for the appellant further submits that there are 92 witnesses and out of whom, only 24 have been examined and it is likely to take massive time and appellant's further custody is not justifiable.

4. The State's counsel opposes the bail.

5. Facts of the case are being taken from the reply dated August 26, 2025, filed in **CRA-D-909-2025** by the Special Public Prosecutor of the National Investigative Agency in the present appeal and it shall be relevant to extract the following portions of the reply:

“That, on 31-05-2019, a case was registered at Tarsikka Police Station, Amritsar (Rural) vide crime No. 75 dated 31-05-2019 u/s Sections 21 and 27 of NDPS Act. That, accused A-1 Jajbir Singh Samra, A-2 Harpreet Singh and A-3 Varinder Singh were arrested on 31-05-2019 for carrying 500 grams of Heroin illegally and Rs. 1,20,000/- drug-money and charge-sheet was filed before the Hon'ble Court of Sh. Ranjeev Pal Singh Cheema, SDJM, Baba Bakala Sahib, Amritsar on 09-09-2019.

2. That, on 02-06-2019, a case FIR No. 90 dated 02-06-2019 u/s Sections 4 & 5 of Explosive Substances act at PS Raja Sansi, Amritsar (Rural), in the said crime due to recovery of two (02) hand grenades and one (01) mobile phone from the possession of two (02) unknown persons who fled away from the spot of interception on their M/cycle which was without registration number.

3. That, during the investigation of FIR No. 75 dated 31-05-2019 PS Tarsikka, A-1 Jajbir Singh Samra and A-3 Varinder Singh suffered a disclosure statement that on the directions of A-10 Harmeet Singh @ PhD, who is Chief of Pakistan based banned terrorist outfit Khalistan Liberation Force [KLF], they had received two (02) hand grenades and thereafter had buried them at the place told by A-10 Harmeet Singh @ PhD. which have already been recovered by the Punjab Police in the case FIR No. 90 dated 02-06-2019 u/s Sections 4 & 5 of Explosive Substances act at PS Raja Sansi, Amritsar (Rural). The two (02) seized hand grenades in FIR No. 90 were disposed off by Bomb Disposal Squad, PAP, Jalandhar (Punjab) and the extracted material of the hand grenades was forwarded to FSL, Mohali for forensic examination/expert opinion. The experts opined that the hand grenades were manufactured by Pakistan Armed Forces, and the yellow-coloured substance used in these grenades is PETN (Pentaerythritol

Tetranitrate) which is high explosive. Even the soil samples taken from the location disclosed by A-1 Jajbir Singh Samra & A-3 Varinder Singh have matched with the mud in the bag containing the hand bag as per forensic report.

4. That, the investigation of the case was further transferred to State Special Operation Cell, Amritsar and subsequently three more accused namely A-4 Nirmal Singh @ Neeldhari, A-5 Satpal Singh, and A-6 Hiralal were arrested on 02-12-2019, 05-12-2019 and 09-12-2019 respectively. And during their interrogation, name of the accused appellant A-7 Harjit Singh @ Bagga had emerged as an associate of the accused persons. That, during investigation, sections 13 and 17 of Unlawful Activities (Prevention) Act, 1967 were subsequently added on 08-01-2020, by State Special Operations Cell (SSOC), Amritsar in the instant case.

5. That, intimation regarding these cases FIR No. 75 dated 31-05-2019 PS Tarsikka Amritsar (Rural) and FIR No. 90 dated 02-06-2019 PS Raja Sansi Amritsar (Rural) in which the Punjab Police had added UA(P) Act was received by the Union. Since UA(P) Act is a scheduled offence under NIA Act and seeing the gravity of the offence which had national and international ramifications it was decided by the Union that these cases warrant investigation by NIA.

Pursuant to the directions of Government of India, Ministry of Home Affairs issued vide its Order F.No.11011/09/2020/NIA dated 20th January 2020 took over the investigation of case FIR No. 75 dated 31-05-2019 PS Tarsikka by re-registering the original case as RC-03/2020/NIA/DLI under sections 13 and 17 of Unlawful Activities (Prevention) Act, 1967 and 21 and 29 of NDPS Act on 22-01-2020.

AND

In compliance of Order No. 11011/39/2020/NIA dated 20-02-2020, the National Investigation Agency also took over the investigation of case FIR No. 90 dated 02-06-2019 PS Raja Sansi Amritsar (Rural) by re-registering 07/2020/NIA/DLI dated 22-02-2020 u/s 4, 5 Explosive Substance Act, Section 17, 18, 18B and 20 of UA(P) Act r/w section 120B IPC.”

6. Earlier, this Court dismissed the appeal against the order of the trial court, whereby the bail of the accused was rejected, vide order dated 04.09.2020 passed in CRA-D-342-2020.

7. It shall be relevant to refer to some portion of the reply dated 24.02.2026 filed in this case, which reads as follows:

“ROLE OF APPELLANT/ACCUSED HIRA LAL:

I. That, investigation established that in execution of the larger conspiracy A-9 Jasmeet Singh Hakimzada, who is the close association of A-10 has personally visited Amritsar and handpicked the co-accused established

group of money exchangers for sending proceeds of drug through Alternative Remittance Channel and through proceeds of drug were channelized by A-9 appellant/accused A-6 Hira Lal, A-4, A-5, A-7 and A-14 and in this manner A-9 and A-10 were operating a Narco-Terror Network for causing terrorist activities of KLF in India.

II That, investigation established that appellant/accused Hira Lal (A-6), operating under the guise of foreign currency exchange through M/s Satguru Enterprises, knowingly facilitated hawala transactions by receiving and channelising proceeds of heroin trafficking in criminal conspiracy with A-4, A-5, A-7 and others. In the month of January 2019, A-4 came at the shop of appellant/accused Hira Lal A-6 and had handed over Rs. 12 lakhs to him in two segments of Rs. 7.5 Lakh and Rs. 4.5 Lakh. Money was counted by Appellant/accused A-6 Hira Lal and then received proceeds of drug were further sent to Harjeet Singh C/o Majha Finance (A-7), with the instructions to transfer the money to a person working for A-9.

III. That it is worth mentioning here that based on the scrutiny of CDR of mobile number 9915840106 of the appellant accused Hira Lal (A-6), he was also in touch with 8360836955 of A-5, Mobile Number 9872285555 of A-7 and he was also in contact with +971552667031 & +971582994110 used by Parminder Pal Singh @ Bobby Dubai A-14. That, after analysis of the CDRs, it clearly proves that appellant accused Hira Lal A-6 and other co-accused were frequently in touch with one another directly/indirectly for carrying out unlawful activities.

IV. That, it is further submitted that appellant accused Hira Lal (A-6), was part of the criminal conspiracy and had knowingly financed illicit trafficking of heroin and hatched a criminal conspiracy to channelize the proceeds of drug and thereby appellant accused A-6 Hira Lal has been charge sheeted under sections 120B IPC and sec 27A & 29 of NDPS Act on dated 29.05.2020. and Charges have been framed against appellant accused under section 120B of IPC, sections 27 A & 29 of NDPS Act on 14-01-2021. The trial of case is going on before Ld. NIA Court Mohali and there are more than sufficient evidences on record to prove the guilt of the accused.

V. That, the accused appellant A-6, out of his free will, has played an incriminating role in running Narco-terrorism network by channelizing the proceeds of drug through non-banking channels. There is sufficient evidence on record that proves the incriminating role of accused appellant in the

instant crime including disclosures suffered by co-accused, statement of witness and confessional statement suffered by appellant accused Hira Lal recorded u/s 164 Cr. PC before the Magistrate etc”.

8. The allegations against the appellant are that he was in direct contact of accused Nirmal Singh @ Neeldhari, the key associate of Jasmeet Singh Hakimzada(A-9) through various mobile numbers including virtual numbers to avoid detection by security agencies. As per the directions of Jasmeet Singh Hakimzada (A-9), Nirmal Singh Neeldhari used to collect proceeds of drugs from various groups, which were working for A-9 and Harmeet Singh Ph.D (A-10) but in the instant case, he had received proceeds of drugs from Jajbir Singh (A-1) and Varinder Singh (A-3). The appellant-Hira Lal was in direct contact of accused Nirmal Singh Neeldhari (A-4) and had played a key role and was the main link between the heroin suppliers and the Hawala operators and had played a specific role in the crime by channelizing the proceeds of drugs to Jasmeet Singh Hakimzada (A-9), an international drug smuggler and money launderer through various Hawala dealers including Satpal Singh (A-5), Harjeet Singh Bagga (A-7) and Parminderpal Singh Bobby (A-14). He had also relations with the persons who were the member of banned organization KLF.

9. **As per the custody certificate dated 23.02.2026. the custody of the appellant in this case is 06 years 02 months & 12 days.**

10. In UOI Rep. by Insp. of NIA v. Barakathullah, [2024] 5 S.C.R. 1011; 2024 INSC 452, May 22, 2024, the Hon’ble Supreme Court holds,

[2]. The Central Government in Ministry of Home Affairs, CTCR Division having received a credible information that the office bearers, members and cadres of Popular Front of India (PFI), an extremist Islamic organization have been spreading its extremist ideology across Tamil Nadu, by establishing State Headquarters at Purasaiwakkam, Chennai and also offices in various districts of Tamil Nadu and that through their frontal Organizations like Campus Front of India, National Women’s Front, Social Democratic Party of India etc., they conspire for committing terrorist acts, raise funds for committing terrorist activities and recruit members for furthering their extremist ideology, and that the frontal organizations and PFI were involved in the recruitment of members to various prescribed terrorist organizations, passed an order on 16th September 2022, in exercise of the powers conferred under sub-section (5) of Section 6 read with Section 8 of the National Investigation Agency Act, 2008 (hereinafter referred to as the ‘NIA Act’), directing the National Investigation Agency to take up investigation of the said case. In view of the said order, an FIR being RC-42/2022/NIA/DLI came to be registered on 19.09.2022 against the present respondents and other members and office bearers of PFI for the offences under Section 120(b), 153(A), 153(AA) of IPC and Section 13,17,18,18(B), 38 and 39 of the

Unlawful Activities (Prevention) Act, 1957 (hereinafter referred to as the “UAPA”).

[22]. In the instant case, we are satisfied from the chargesheet as also the other material/documents relied upon by the appellant that there are reasonable grounds for believing that the accusations against the respondents are prima facie true and that the mandate contained in the proviso to Section 43(D)(5) would be applicable for not releasing the respondents on bail. Having regard to the seriousness and gravity of the alleged offences, previous criminal history of the respondents as mentioned in the charge-sheet, the period of custody undergone by the respondents being hardly one and half years, the severity of punishment prescribed for the alleged offences and prima facie material collected during the course of investigation, the impugned order passed by the High Court cannot be sustained. We are conscious of the legal position that we should be slow in interfering with the order when the bail has been granted by the High Court, however it is equally well settled that if such order of granting bail is found to be illegal and perverse, it must be set aside.

11. Given the role of the petitioner and period of custody, this Court is of the view that he is not entitled for grant of bail at this stage, as such, appeal is **dismissed** and order passed by the Special Court is upheld. However, liberty reserved to the appellant to file a fresh petition for bail before the trial Court, if the trial is not concluded within reasonable time. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

(SUKHVINDER KAUR)
JUDGE

19.03.2026
Anju rani

Whether speaking/reasoned	YES
Whether reportable	NO