

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

JUDGMENT RESERVED ON	JUDGMENT PRONOUNCED ON	OPERATIVE PART PRONOUNCED OR FULL	UPLOADED ON
10.03.2026	06.04.2026	FULL PRONOUNCED	06.04.2026

CRA-D-721-2025 (O&M)

Varinder Singh

...Appellant

Versus

National Investigation Agency (NIA)

...Respondent

CRA-D-24-2026 (O&M)

Dharminder Singh @ Dhanna

...Appellant

Versus

National Investigation Agency (NIA)

...Respondent

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

Present: Mr. Ashish Aggarwal, Advocate,
 for the appellant in CRA-D-721-2025.

Mr. Anmol Partap Singh Mann, Advocate and
Mr. Navjot Singh Sidhu, Advocate,
for the appellant in CRA-D-24-2026.

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

ANOOP CHITKARA, J.

RC No.	Dated	Police Station	Sections
03/2020/ NIA/DLI	22.01.2020	National Investigation Agency, New Delhi	13, 17, 18, 18-B, 38 & 40 of UA(P) Act, Sections 21, 27-A & 29 of NDPS Act, 1985 and 120-B IPC

Bail Application number of appellant-Varinder Singh before the Sessions Court	CIS No.BA-519/2025 CNR No.PBSA010013742025
Date of Decision	13.03.2025

Bail Application number of appellant Dharminder Singh @ Dhanna before the Sessions Court	CIS No.BA-3338/2025 CNR No.PBSA010092852025
Date of Decision	11.11.2025

1. Since the primary point involved in both the appeals is bail on prolonged custody, as such, we propose to decide both the appeals by a common judgment. The facts are being taken from reply filed in the case of Varinder Singh i.e., CRA-D-721-2025.
2. Aggrieved by the dismissal of regular bail by the Special Judge, NIA, SAS Nagar, Mohali vide orders dated 13.03.2025 and 11.11.2025, the appellants had come up before this Court by filing the present appeals under Section 21 of the National Investigation Agency Act, 2008.
3. In paragraph 2 of Note of the grounds of appeal, appellant-Varinder Singh declares that he has no criminal antecedents. However, as per the custody certificate, the accused has the following criminal antecedents:
- | Sr. No. | FIR No. | Date | Offenses | Police Station |
|---------|-------------------------|------------|--|----------------|
| 1. | 90/2019
(RC-07/2020) | 22.02.2020 | 4, 5 ES, 120-B IPC, 17, 18, 18B, 20 of UAP Act | NIA |
4. In paragraph 15 of the grounds of appeal, appellant, Dharminder Singh @ Dharma, has stated that three other FIRs are pending against him; however, he has not provided any details thereof. However, as per custody certificate dated 05.03.2026, no other case is pending against him.
5. The appellants' counsel submits that the appellants would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the appellants repeat 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 appellants shall have no objection. Counsel for the appellants further submits that they shall not use their right of speech expression beyond what is permitted under Article 19 of the Constitution of India.
6. The State's counsel opposes the bail.
7. The facts are being taken from reply filed in the case of Varinder Singh.
8. Accused Jajbir Singh Samra (A-1), Harpreet Singh (A-2) and accused Varinder Singh (A-3) (appellant in CRA-D-721-2025) were arrested on 31.05.2019 because they were found in possession of 500 grams of Heroin and ₹1,20,000/- which was termed as drug money. In the personal search of all the accused, 400 grams were recovered from A-1 Jajbir Singh Samra, 90 grams from A-2 Harpreet Singh and 10 grams from A-3 Varinder Singh. Based on such information, the police had registered FIR under Sections 21 and 27 of NDPS Act and had arrested them.

9. After that, Sections 4 and 5 of Explosives Substances Act was registered at Police Station Raja Sansi, Amritsar (Rural) because of the recovery of 2 hand grenades and 01 mobile phone from the possession of two unknown persons, who fled away from the spot. In the investigation of FIR No.75 dated 31.05.2019, which is the present FIR, the appellants Varinder Singh disclosed that on the directions of Harmeet Singh @ Phd (A-10), who is the Chief of Pakistan based banned terrorist outfit Khalistan Liberation Force (KLF). They had received 2 hand grenades and after that they had concealed it at the place which was told to them by A-10 Harmeet Singh @ PhD. He further submitted that the said hand grenades have already been recovered by the police in FIR No.90 dated 02.06.2019 registered under Sections 4 and 5 of the Explosive Substances Act in Police Station Raja Sansi, Amritsar first time. The hand grenades were disposed of by Bomb Disposal Squad, PAP, Jalandhar (Punjab) and the remnants of the exploded material were forwarded to the Forensic Science Laboratory, Mohali for forensic examination/expert opinion. The report of the laboratory pointed out that the hand grenades were manufactured by the Pakistan Armed Forces and they contained PETN (Pentaerythritol Tetranitrate), which is high explosive. Given this, Sections 13 and 17 of UAPA Act were added in the present FIR. The investigation pointed out that A-10 Harmeet Singh @ PhD, who is a self-styled chief of banned terrorist organization Khalistan Liberation Force was spreading hatred against India and was indulging in anti-India activities. He had conspired to run modules to deal with narcotics and also to spread terrorism and as part of that module he was procuring drugs and asking them to sell the drugs and procure money to finance all this illicit and illegal activities. As far as appellant Varinder Singh is concern, his role is mentioned in paragraph number 8 of the reply and the allegations against him are that he was generating and channelizing the proceeds of drugs through non-banking channels involvement and conspiracy with the main conspirator.

10. Similarly, the allegations against other appellant Dharminder Singh @ Dhanna in CRA-D-24-2026 are being taken from the reply filed in this case, as per which, his role was that he had purchased 1 kg of heroin at the rate of ₹12,50,000/- per kg from Jajbir Singh Samra and then he sold the majority of the said heroin in the local market. Harmeet Singh @ Phd used to send heroin in India through Jajbir Singh Samra, even who further plans unlawful activities from the proceeds of crime.

11. The role of appellant-Varinder Singh Chahal has been taken from charge sheet, which reads as follows:

“17.29 Role and activities of / offences established against Varinder Singh Chahal S/o Baljeet Singh (A-3): Investigation established that being a close associate of Jajbir Singh Samra @ Jajj (A-1), A-3 has knowingly remained associated with A-1, even after knowing the fact

that A-1 was working for Jasmeet Singh Hakimzada (A-9), international drug smuggler and close associate of Harmeet Singh @ Ph.D. (A-10), self-styled Chief of terrorist organization KLF. Accused A-3 with the close association of A-1 used to collect consignments of Heroin from the Kashmiri drug peddlers and as per the direction of A-1 he remained involved in channelizing the proceeds of drug through Nirmal Singh @ Neeldhari (A-4), A-3 knowingly held the drug money and as per the direction of A-10, A-1 and A-3 had placed cash amount in sealed envelopes many times to finance terrorism in India. As per criminal conspiracy, hatched by A-1 and A-10, A-1 and A-3 had hidden two hand grenades to aid A-10 for carrying out terrorist activity of KLF in India. The investigation established that A-3 remained involved in trafficking of Heroin, placing of envelopes containing Rs. 2 lakh and 1 lakh and as per the direction of A-1, he had delivered the proceeds of the drug Rs. 20 Lakh to Nirmal Singh @ Neeldhari (A-4), who had further channelized the proceeds of drugs through A-5, A-6, A-8, A-13 and A-14. Therefore, it is established that Varinder Singh Chahal S/o Baljeet Singh (A-3), remained associated with A-1 in every unlawful/illegal activity and assisted him at the time of collection of Heroin consignment from Kashmiri drug Peddlers. A-4 had knowingly possessed and transported the Heroin and financed illicit trafficking of Heroin and channelized the proceeds of the fund, placed envelopes containing proceeds of drugs many times and had also hidden two hand grenades with the close association of A-1, hatched a criminal conspiracy and by doing so, he had facilitated arranged/raised funds by selling Heroin, knowingly that such funds are likely to be used by A-9 and A-10 to commit a terrorist act. xxx xxx”

12. The role of appellant-Dharminder Singh @ Dhanna has been taken from charge sheet, which reads as follows:

“17.4 Arrest of accused Dharminder Singh @ Dhanna (A-8) and disclosure made by him in Police custody:-During investigation, accused Dharminder Singh @ Dhanna who was declared as proclaimed offender by the Hon'ble Court of Sh. Ranjeev Pal Singh Cheema, Ld. SDJM, Baba Bakala Sahib, Amritsar and was evading his arrest, surrendered before NIA Special Court SAS Nagar Mohali on 08.06.2020 and was arrested by the NIA on 12.06.2020 in the instant case and was

remanded in NIA custody.

17.5 Disclosure made by the accused person Dharminder Singh @ Dhanna during police custody of NIA: During examination, accused Dharminder Singh @ Dhanna revealed that while in jail in an earlier case of murder, he started consuming heroin with the association of inmates and become drug addict. Accused Dharminder Singh @ Dhanna, after coming out from jail, indulged in illegal activities and came in touch with Harpreet Singh @ Happy (A-2) R/o Dhudike and started consuming heroin habitually from 2017.

In March 2018, he along with Harpreet Singh & Happy (A-2) went to Anandpur Sahib fair where he met Jajbir Singh Samra and exchanged mobile numbers of each other. In the month of April/May-2018, Jajbir Samra came to Dhudike for the installation of speakers in his tractor where he met A-8. In the 2nd week of January-2019, A-8 contacted Jajbir Singh Samra and asked him about heroin. A-1 told to A-8 that A-1 had received consignment and will be delivering it within 3-4 days. After getting confirmation, he along with Harpreet Singh @ Happy A-2 went towards Usma Toll Plaza, located at NH 54 and purchased 1kg heroin @ Rs. 12.50 lakh per Kg from Jajbir Singh Samra (in small quantity 100 - 200 grms).

In the 2nd week of March-2019, A-8 contacted Jajbir Singh Samra and asked him about the heroin. Then after getting confirmation, he along with Harpreet Singh @ Happy went to Jandiala Guru bypass and 1 kg heroin was purchased by Harpreet Singh and him (in the packets of 100/200 gms from Jajbir Singh Samra). He purchased heroin from Jajbir Singh Samra 12.50 lakhs per Kg. Some of the quantity of purchased heroin was consumed by him and his elder brother namely Jaswinder Singh (Died in December-2019 due to drug addiction) and remaining heroin sold in the local market.

Accused Dharminder Singh @ Dhanna revealed that A-1 told him that he has established contact with Harmeet Singh @ PhD and now he is purchasing heroin directly from him, but with condition to help him for the cause of Khalistan. He also mentioned that after selling the heroine, he used to handover the money to Nirmal Singh @ Neeldhari and Nirmal Singh @ Neeldhari used to channelize further the drug proceeds through various Hawala operators of Amritsar and Delhi and send it to Jasmeet Singh Hakimzada r/o Dubai. Jasmeet Singh Hakimzada and Harmeet Singh @ PhD is partner in drug business.

17.6 Accused further disclosed that on 30.05.2019, he along with Harpreet Singh

@ Happy in his Maruti Ritz Car bearing registration Number PB 10-CY-6061 went to buy heroin from Jajbir Singh Samra but due to unavailability of heroin, Jajbir Singh Samra asked them to come on next day. Upon that, he handed over his Maruti Ritz Car as above to Harpreet Singh @ Happy with direction to come at his home after getting delivery of heroin from Jajbir Singh Samra and went to his village.

17.7 Pointing out of the places by A-8: During investigation, accused A-8 pointed out the two places through pointing out memorandum dated 14.06.2020 from where A-2 and he used to purchase heroin from A-1. The locations are as:-1) at NH 54, near Ushma Toll Plaza, Bhatinda-Amritsar Road, 2) Near Jandiala Guru towards GhariMandi flyover in Jandiala Rural. On Veroval road, Bridge Canal, Jandiala guru where on 31.05.2019, Harpreet Singh @ Happy parked his Maruti Ritz Car bearing registration number PB 10-CY-6061 and went to purchase heroin from Jagbir Singh Samra and the car was recovered & seized by Punjab Police at the instance of the accused Harpreet Singh @ Happy.”

13. Two hand grenades have been recovered which were received by accused Varinder Singh and allegations are of dealing in hawala, smuggling heroin from the Pakistan and appellants appear to be in touch with the Pakistan handler, who are member of terrorist organization KLF and found involved in anti-India activity. Appellant Dharminder Singh @ Dhana was fugitive for long time in this case, as such, appellants are not entitled for bail.
14. As per custody certificate dated 05.03.2026, the custody of the appellant Varinder Singh in this case is 06 years, 08 months and 27 days and as per custody certificate dated 05.03.2026, the custody of the appellant Dharminder Singh @ Dhana in this case is 05 years, 08 months and 25 days.
15. 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.

16. Given the role of the appellant(s) and period of custody, this Court is of the view that they are not entitled for grant of bail at this stage, as such, both the appeals are **dismissed** and order(s) passed by the Special Court are upheld. However, liberty reserved to the appellants 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

06.04.2026
jyoti-II

Whether speaking/non-speaking: Speaking
Whether reportable: No.