



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

102

CRA-D-1169-2024 (O&M)
Date of Decision: 04.02.2026

GAGANDEEP SINGH ALIAS GAGAN ALIAS
JARMANJIT SINGH @ NONA

... APPELLANT

Versus

NATIONAL INVESTIGATION AGENCY

... RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Amit Agnihotri, Advocate,
(Arguing Counsel)
Ms. Mani Makkar, Advocate
Ms. Anju Sharma, Advocate
Mr. Abhishek Jindal Advocate for the appellants.

Mr. Sukhdeep Singh Sandhu, Special Prosecutor,
National Investigation Agency.

SANJIV BERRY, J.

1. The instant appeal has been preferred by the appellant under Section 21(4) of the National Investigation Agency Act (in short 'NIA, Act') against order dated 02.08.2024 passed by learned Special Court, SAS Nagar Mohali whereby the regular bail of the appellant was dismissed in case bearing RC/23/2020/NIA/DLI DATED 08.05.2020 registered at Police Station National Investigating Agency, New Delhi under Sections 120-B, 201, 419, 471, 496, 489 (C) of IPC, Sections 21 read with 21 (C), 24 read with 12, 23, 25, 27, 27A, 29, 31 of NDPS Act, Sections 17, 18, 20, 38, 40 of Unlawful Activities (Prevention) Act, 1967 (Amended in 2012) (for short "UAPA"), Section 25 and 29 of Arms Act and Section 12(1) (B) of the Passport Act. (Initially registered at P.S. Sadar



2. In nutshell, the facts of the case are that FIR No. 135 dated 25.04.2020 under Sections 10, 11,13,17,18,20,21 of “UAPA”, at Police Station Sadar Amritsar on the allegations that on 25.04.2020 Amarnath Inspector, Police Station Sadar Amritsar received a credible information regarding one Hilal Ahmed Shergojri (A-1) r/o District Pulwama, J&K, who was an active member of banned terrorist organization Hizbul-Mujahideen (HM) and was a close accomplice of Riyaz Ahmed Naikoo (A-13) area commander of HM, District Pulwama, had come to Amritsar on the directions of A-13 to collect funds in a truck bearing No. JK-03-F-2261. On the direction of Riyaz Ahmed (A-13), A-1 had received money from an unknown person, which was to be used for carrying out terrorist activities and for disturbing peace in India and Hilal Ahmed (A-1) had planned to get back to Kashmir that night’. Pursuant to information, the police team proceeded for Metro Supermarket, By Pass Amritsar and was able to arrest A-1 Hilal Ahmed Shergojri alongwith ₹29 lacs in his possession. During investigation, bail applicant was arrested along with co-accused Ranjeet Singh @ Cheeta (his brother) on 09.05.2020 from their hideout at Sirsa, Haryana where he was hiding himself along with his brother, after seizure of 532 kg of illegally smuggled heroin in the garb of imported rock salt granules by Custom department at Attari Border on 29.06.2019. Bail applicant Gagandeep Singh is thus shown to be involved in the illicit business of heroin smuggling with co-accused (Ranjeet Cheeta) and accused (Iqbal Shra).

2.1 Thereafter investigation of the case was entrusted to National Investigation Agency, New Delhi vide RC-23/2020/NIA/DLI dated 08.05.2020 registered under Section 17, 18, 20, 38 and 40 of UA(P) Act at PS Sadar, Amritsar, Punjab.

3. We have heard learned counsel for the parties.



4. It is *inter alia* contended by learned counsel for the appellant that the appellant is innocent and has been falsely implicated in this case simply on the basis of the fact that his brother Ranjit Singh @ Cheeta is allegedly involved in smuggling activities. The allegations levelled against the petitioner are baseless and lack any substantive proof. He contends that there is no concrete evidence on record to establish the allegations against the petitioner being involved in alleged investment of the proceeds of crime and he is in custody for last more than 5 years and completion of trial will take sufficient long time. He contends that co-accused A-3 Maninder Singh @ Mani, A-4 Ranjeet Singh @ Giani, A-5 Jaswant Singh @ Jassa were granted concession of bail vide order dated 12.10.2022 (Annexure A-7) while A-14 Manpreet Singh Mann, Hilal Ahmed Shergojri and A-2 Bikram Singh @ Vicky were granted regular bail vide order dated 12.07.2024 (Annexure A-8). Hence prayed for grant of regular bail and acceptance of the present appeal.

5. Per contra, learned Special Prosecutor, NIA, submits that the appellant happens to be an active member of the terrorist gang, having links with terrorist outfit Hizbul-Mujahideen (HM). He contended while opposing the petition that the petitioner along with his brother Ranjit Singh @ Cheetha and Iqbal Singh @ Shera had been in active connivance with the members of the terrorist groups across the border acting in conspiracy to smuggle the narcotics from across the border and further selling the same to different handlers and thereby collecting the money from the sale of such smuggled narcotics, which he used to invest in the sale-purchase of properties as per the directions of his brother Ranjit Singh @ Cheetha. The appellant along with his brother were apprehended by the police from their hideout in Sirsa where they were hiding and carrying out their operations away from their residence in District Tarn



Taran. The appellant is not having clean antecedents and having numerous criminal cases registered against him. It is also alleged that the petitioner had been living in the garb of fake identity of Jarmanjeet Singh after he became proclaimed offender in case FIR No. 25/2010 dated 23.05.2010 under Section 307 IPC and 21 of NDPS Act, P.S. Khemkaran, Tarn Taran, after jumping the bail, he is alleged to have managed a fake aadhar card in fictitious name of one Shivdayal Singh to procure the passport besides getting the electricity connection and driving licence in the name of fake identity of Jarmanjeet Singh. He also procured various mobile and internet connections on such fake identities at Sirsa with a view to have safe communications with the handlers across the border. Hence prayed for dismissal of the appeals.

6. After considering the rival submissions, it is observed that the appellant was arrested in this case on 09.05.2020 and after completion of investigation challan was presented in Court on 20.10.2020 followed by supplementary challan on 05.01.2021, 30.07.2021 and 29.12.2021. The trial Court framed charges on 16.05.2024. There happens to be 11 accused in the case including the appellant and the prosecution has cited 209 witnesses out of which 20 witnesses have been examined. As per the allegations of the prosecution **532 kg of heroin** smuggled across the border in the garb of imported rock salt granules intercepted by the Custom Department at Attari border on 29.06.2019, following a tip police had apprehended active members of aforesaid terrorist outfit from Amritsar along with ₹29 lacs in cash, appellant along with his brother Ranjit Singh @ Cheetha an active member of the gang had been hiding at Sirsa after being declared a Proclaimed Offender in FIR No. 25/2010 dated 23.05.2010 under Section 307 IPC and 21 of NDPS Act, PS Khem Karan, Tarn Taran. There are specific allegations against the appellant of being actively involved in the



sale of narcotics, illegally smuggled from across the border to various handlers, and received money from them which he used to invest in properties and had also prepared fake identities for the purpose of investment and also procuring mobile and internet connections on fake names. He is alleged to be acting as an active conduit for narcotics smugglers having links with terrorist outfits by investing the money received from sale of such narcotics.

7. Further, Section 43 D(5) of UAPA mandates denial of bail if the Court finds reasonable grounds that the accusations against the appellant is *prima facie* true. As per the custody certificate the appellant is not having clean antecedents and is involved in 6 other criminal cases and he is also declared as proclaimed offender in FIR No. 25/2010 dated 23.05.2010 under Section 307 IPC and 21 of NDPS Act, PS Khem Karan, Tarn Taran. The allegations levelled against the appellant in the present case are serious in nature and his release at this stage will hamper the trial as material witnesses are yet to be examined.

8. In view of the above facts and circumstances, considering the serious nature and gravity of the offence, as well the criminal antecedents of the appellant, no case is made out in favour of the appellant for grant of bail at this stage consequently, the appeal is hereby dismissed.

9. However, the appellant would be at liberty to revisit the Court, in case so desired, after the examination of the material witnesses by the prosecution.

10. Pending application(s) if any, shall also stand disposed of.

(SANJIV BERRY)
JUDGE

(SHEEL NAGU)
CHIEF JUSTICE

Dated: 04.02.2026

GYAN CHAND
2026.02.06 16:34
I attest to the accuracy and
integrity of this document

i) Whether speaking/reasoned?
ii) Whether reportable?

Yes/No
Yes/No