

CRA-D-1351-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-D-1351-2025

JUDGEMENT RESERVED ON	JUDGEMENT PRONOUNCED ON	OPERATIVE PART PRONOUNCED OR FULL	UPLOADED ON
12.03.2026	06.04.2026	FULL PRONOUNCED	06.04.2026

Bhupinder Singh ...Appellant

Versus

National Investigation Agency ...Respondent

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

Present: Mr. Prashant Parkash, Advocate for
Mr. M.S. Khan, Advocate
for the appellant.

Mr. Sukhdeep Singh Sandhu, Special Public Prosecutor
for NIA.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Section
141	05.05.2022	Madhuban, Karnal	13, 18, 20 of UAPA Act, 4, 5 of Explosive Substance Act

AND

NIA Case No.	Dated	Police Station	Section
RC-24/2022/ NIA/DLI	24.05.2022	Madhuban, Karnal	120-B, 121, 121-A, 122 IPC, 25(1AA) of Arms Act, 13, 17, 18, 18B, 20, 23, 38, 39 of UAPA Act and 4, 5 of Explosive Substances Act

Criminal Case number before the Sessions Court	BA-1053-2025
Date of Decision	27.08.2025

1. Aggrieved by the dismissal of regular bail by the Special Judge (NIA), vide order dated 27.08.2025, the appellant had come before this Court by filing the present appeal, seeking bail in the NIA case mentioned above.
2. Per the custody certificate dated 17.01.2026, the appellant has the following criminal antecedents: -

Sr. No.	FIR	Dated	Police Station	Sections
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1.	58	05.05.2022	Cantt Ferozepur	10, 13, 18, 20 of UAPA Act, 4, 5 of Explosive Act, 25-54-59 of Arms Act, 21/25/61/85/23/29 of NDPS Act
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3. The facts of the case are being taken from the reply dated November 18, 2025, filed by National Investigation Agency. On May 5, 2022 based on secret information, the police team at Police Station Madhuban, Haryana, intercepted a vehicle and in search of the vehicle, recovered 3 improvised explosive devices, 1 pistol, 2 magazines, 31 live rounds, 6 mobile phones and Rs.1.30 lacs as cash. At that time, four people occupying the vehicle were Gurpreet Singh alias Gopi, Amandeep Singh alias Deepa, Parminder Singh and A4 Bhupinder Singh, the appellant. Based on this recovery, FIR No.141 of 2022 was registered under the Explosives Act, UAPA Act along with the Arms Act.
4. Considering the gravity of the offense, the Government of India transferred the case to the National Investigation Agency which registered RC No. 24 on May 24, 2022.
5. Counsel for the appellant submits that the allegation against the appellant is only of being present in the vehicle from where the alleged ammunition was recovered. He further submits that the recovery was from a cavity and as such, it cannot be said that the appellant was aware of what the driver or the owner of the vehicle had contained in the cavity. He submits that because of the concealment, it cannot be said of any culpability. State counsel opposes such argument and submits that all of these persons were transporting the explosives to South India with an objective of spreading terror over there and appellant was fully aware of the concealment of the ammunition and further, there was no reason for him to be present in the vehicle in question.
6. An analysis of the above arguments clearly point out that no doubt the recovery was from the cavity of the vehicle and in general parlance, it is for the driver who has dominion over such vehicle, would be aware of such concealment, but there may be cases where somebody else makes a great secret cavity and trick the driver to take the vehicle, as such it all depends upon the facts and circumstances of each and every case and no general standard can be set in this regard. As far as present appellant is concerned, the burden was on him to explain that for what purpose and under what circumstances he was travelling in the vehicle and going to a destination where he had no other reason to go except the stand taken by the National Investigation Agency to deliver the explosives. Thus, for the purpose of bail, there is more than prima facie evidence pointing out the appellant's culpability about the knowledge of the explosives concealed in the cavity of the vehicle for the reason that there was no reason for him to travel without a purpose. Consequently, the appellant is not entitled for bail on this count.

7. The appellant's next submission is that the trial has delayed and the observation by the trial Court "*that trial will take time in conclusion will not weigh with this Court to grant bail*" is illegal observation and on this count alone, the appellant is entitled for bail. State counsel opposes such submission and state that they undertake not to unnecessarily delay the trial. An analysis of the above clearly point out that the trial Court was only considering this as a factor in isolation and what appears to be at the back of the trial Court was the overall custody in the present case. Needless to say that delayed trial violates Article 21 of Constitution of India, but what is the delay is subjective, depending upon the nature of allegations, the number of witnesses, the previous criminal history of the accused and the factor that whether the trial was delayed by the accused in singly or by acting in conspiracy with each other. As far as the present case is concerned, the delay in the trial is not significant enough to entitle the appellant to bail on this ground. Consequently, there is no illegality in the observation, and the appellant is not entitled to bail on this ground.

8. The appellant's next submission is that the embargo under Section 43D(5) is not absolute. Needless to say, the law is settled that the restrictions under Section 37 of the NDPS Act are more stringent than those under Section 43D(5), however, in this case, the nature of the recovery is so gruesome, which prima facie indicates that efforts were to spread terrorism all over India, and even if the bar was not there under 43D(5), still it was not a case for bail.

9. The appellant's next submission for bail is the role of the appellant which is mentioned in paragraph no. 15 of grounds of appeal. It has been argued that there is no evidence of contact with the co-accused. This argument is mis-conceived because the appellant was present in the vehicle from where huge haul of explosives was recovered.

10. In addition to the above evidence, it shall be relevant to mention paragraph no. 4, 5, 6, 7, 8 of the reply filed by NIA which reads as follows:

"4. That it has come in investigation that from September 2021 to April 2022 terrorist Harwinder Singh @ Rinda with the help of drones had sent from Pakistan into on numerous occasions consignments containing

i. 24 grenades,

ii. 10 Improvised Explosive Devices,

iii. 27 Pistols,

iv. 30 Packets of Heroin

which were received/collected by the co-accused of the appellant from different locations in Punjab.

After receiving the said consignments, the accused in this case used to conceal them and then place/deliver them at different locations/places as per the directions of terrorist Harwinder Singh Sandhu @ Rinda.

5. That it was during the delivery process of one such consignment all the above mentioned 4 accused including the accused appellant A-4 Bhupinder Singh were intercepted and apprehended at Madhuban when they all were heading towards Adilabad (Telangana) to deliver the said consignment of arms and ammunition and IED on the directions of Pakistan based terrorist Harwinder Singh Sandhu Rinda. It is pertinent to mention that the location of Adilabad area was found from the mobile phone of accused Gurpreet Singh Gopi (A-1), which had been sent to him from Pakistan by designated terrorist Harwinder Singh Sandhu @ Rinda.

6. That the recovery of arms, ammunition, and explosives on 05.05.2022 from conscious possession of all four accused including the accused appellant were sent to Forensic Science Laboratory for analysis. As per examination, Cyclotrimethylene trinitramine (RDX), a high explosive, was detected.

7. That it has been emerged during the investigation that the appellant accused Bhupinder Singh along with co accused has actively helped co accused Gurpreet Singh @ Gopi in identifying the new location near border area for receiving of arms, ammunition that were to be sent through drones by Harwinder Singh @ Rinda from Pakistan.

8. That during the analysis of data, some google locations were also found in phone of prime accused A-1 Gurpreet Singh @ Gopi which were of the place where applicant accused along with co accused person had visited for arranging and identifying new location for receiving the arms, ammunition and narcotics consignment from Pakistan through drone. Further investigation has revealed that while arranging and identifying the places near border area then it was told by the accused person that they need house in outskirts of fazilka town towards border as they got a government contract in construction of road near Indo Pak border. Further during investigation, the places which have been pointed and out by the accused appellant as the places that has been identified and arranged for dropping of the arms and narcotics consignment sent from Pakistan are identical to the places pointed out by other co accused.”

11. Perusal of the above investigation and the evidence collected clearly indicate the seriousness of the offense. On the face of it, the evidence is more than prima facie and even if there were no restrictions under 43D(5), it was not the case for bail.

12. 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.

13. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

14. **Appeal stands dismissed.** All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

(SUKHVINDER KAUR)
JUDGE

06.04.2026

Jyoti Sharma

Whether speaking/reasoned: Yes

Whether reportable: No