

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-D-1434-2025

JUDGEMENT RESERVED ON	JUDGEMENT PRONOUNCED ON	OPERATIVE PART PRONOUNCED OR FULL	UPLOADED ON
12.03.2026	17.04.2026	FULL PRONOUNCED	17.04.2026

Harpreet Singh @ Happy Malaysia ...Appellant

Versus

State of Punjab ...Respondent

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

Present: Mr. S.P.S. Khaira, Advocate
 for the appellant.

Ms. Pooja Nayar Sharma, D.A.G., Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Section
08	14.01.2022	STF SAS Nagar	21, 23, 29, 61, 85 of NDPS Act, 4,5 of Explosive Act, 13, 16, 18, 20 of UAPA, 120-B IPC and 25/54/59 of Arms Act

Bail Application number before the Sessions Court	BA/6361/2025
Date of Decision	12.08.2025

1. Aggrieved by the dismissal of regular bail by the Additional Sessions Judge, Amritsar vide order dated 12.08.2025, the appellant had come up before this Court by filing the present appeal under Section 21 of the National Investigation Agency Act, 2008.

2. Per paragraph no. 15 of the status report, the appellant has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	RC/01/2022	31.01.2022	302 /307/ 124A/ 120B IPC, 13/15/16/18 UA(P) Act, 3/4/5 of Explosive Substances Act, 3, 4 of Prevention of Damage to Public	NIA

CRA-D-1434-2025

			Property Act	
2.	28	21.02.2021	21/29 of NDPS Act, 25 of Arms Act	STF 4
3.	107	04.10.2022	21/27A/29 of NDPS Act, 3/4/5 of Explosive Substances Act	Ramdas

3. The facts of the case are being taken from reply dated December 16, 2025 filed by the Superintendent of Police, Anti Narcotics Task Force, Border Range, Amritsar. The police received a secret information that Pakistanis smugglers have sent a large quantity of drugs, weapons and explosives and they have hidden the same at a place between Attari to Bachiwind area and if a search is made, then such a huge consignment can be recovered. The information was found to be authentic and reliable and as such, FIR No. 8 was registered on January 14, 2022 under NDPS Act and Explosives Act.

4. After that the police conducted the search of the pointed area and found a bomb type thing wrapped in a plastic envelope. After that, the bomb disposal team was called at the spot and the said team disposed the Improvised Explosive Device (IED) on the spot in a scientific manner. After that, the team recovered material inside of the device which contain 3 pieces explosive of black colour about 2kg 700 grams, cord detonator 6 pieces, switch timer, battery, steel balls and other materials which are used to prepare an explosive device and the same were taken into possession.

5. On February 2, 2022, the investigator received a further secret information that the bomb in question was planted by one Surmukh Singh and Gurpreet Singh who are agents of Mussa Pakistani Intelligence Agency (ISI) and their numbers were also supplied. It was further informed that appellant was also found involved. Based on such information, Surmukh Singh was arrested and the police during investigation, got element of connection and conspiracy through call details. Further the police also recovered commercial quantity of heroin and drug money.

6. Counsel for the appellant seeks bail on the ground that no recovery was effected from the appellant. This is not a ground for bail because the evidence is not merely recovery but his connection with the terrorist and Pakistan based agents of ISI and there is evidence of connection through call details. Regarding the nature of call details and till what extent the appellant is connected through such call details, it is a matter of trial and this Court prima facie finds that there is evidence which connects him, as such, the appellant is not entitled for bail on this ground.

7. The appellant's next ground is that there is no chance of absconding or tampering of the evidence. This is again not a ground for bail because the matter against the appellant is

not only under NDPS Act but also under UAPA Act and in both the statutes, there are stringent provisions for grant of bail and simply because there is no chance of absconding or no chance of tampering of evidence can never be a ground for bail when the quantity in NDPS Act is commercial and the other statute involved is UAPA Act.

8. The role of the appellant has been mentioned in the reply dated December 16, 2025 and the relevant portion of the reply reads as follows:

“Role of Petitioner:

9. *That the arrest of present appellant has been made in the present case after obtaining his production warrants from the learned Court of Magistrate, on 13.07.2023.*

10. *That during the course of investigation the appellant detailed the connected incidents and admitted to the activities involving the smuggling of heroin and explosives in his disclosure statement. The appellant also admitted that he was involved in an explosive blast at Ludhiana Courts in the last week of December, 2021 in which the person who planted the bomb died and several people from general public were injured.*

11. *That the second accused namely Lakhbir Singh Rode could not be arrested at that time as he was found to be residing in Pakistan. Now the National Investigation Agency (NIA) which also arrested the present appellant in Case RC-01/2022/NIA, examined his mobile phone. A copy of NIA report regarding the present appellant's call link with all other accused has been obtained through the proper channel for this case. This report details the mutual links regarding the ongoing drug and terrorist activities. It shows how the initially arrested accused persons had technical links with the present appellant and also with Kewal Babbar (Babbar Khalsa International Group) and Gurdip Sahera (Khalsa Commando Force). The said report confirms phone links between present appellant, accused Surmukh Singh @ Sumu, accused Rinku @Lado, accused Gurpreet Singh @ Gopi, Kewal Babbar and Gurdip Sahera. Detailed information on the number of times they were in contact is available Pakistani phone numbers, which are presumed to belong to Lakhbir Singh Rode, were also found to be linked. The forensic report obtained from NIA regarding the mobile phone of the present appellant corroborates the offences and establishes the links in this case. Therefore the new names technically exposed in this drug and explosive smuggling case i.e. Kewal Babbar (Babbar Khalsa International Group) and Gurdip Sahera (Khalistani Commando Force) are being nominated in the present case and an investigation will be conducted for their search. The copy of the technical report from the National Investigation Agency is hereby submitted to this Hon'ble Court for further reference which is attached herewith as Annexure-R1.”*

9. The role clearly points out towards the appellant's involvement and it is a more than prima facie case and appellant is not entitled for bail on this ground.

10. Counsel for the appellant seeks bail on the ground of custody of 02 years, 07 months and 22 days as per the custody certificate dated March 11, 2026, but he has criminal antecedents. Even otherwise, if there was no criminal antecedents, considering the nature of allegations and recovery of heroin, the custody cannot be said to be sufficient by any stretch of imagination and appellant is not entitled for grant of bail on custody. In paragraph no. 13 of the reply, it has been mentioned that charges already stand framed against the appellant and out of 42 prosecution witnesses, 8 have already been examined. Given above, it is not a case where the trial stand still, but it is going on and this Court shall request the trial Court to expedite the trial. The accused who if are on bail and are delaying the trial, their bail should be cancelled. Further any of the accused who is deliberately delaying the trial, he should be provided with a legal aid counsel and the State should be directed to produce all relevant evidence without any delay. If any police official delays purposefully or deliberately delays the trial, strict action be also taken against such person.

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

(ANOOP CHITKARA)
JUDGE

(SUKHVINDER KAUR)
JUDGE

17.04.2026
Jyoti Sharma

Whether speaking/reasoned	YES
Whether reportable	NO