

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-D-1771-2024

JUDGEMENT RESERVED ON	JUDGEMENT PRONOUNCED ON	OPERATIVE PART PRONOUNCED OR FULL	UPLOADED ON
04.02.2026	17.03.2026	FULL PRONOUNCED	17.03.2026

Bhupinder Singh @ Bhind...Appellant

Versus

State of Punjab...Respondent

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

Present: Mr. D.K. Prajapati, Advocate for the appellant.

Mr. Akshay Kumar, A.A.G, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Section
118	08.08.2023	Verowal, Tarn Taran	18/21/25/29/61/85 of NDPS Act, 25 (6,7)/54/59 Arms Act, 4, 5 Explosive Act, 10/11/12 Air Craft Act, 1934, 120-B IPC, 12/16/17/18/18-B/20 UAPA. Later on Section 27-A of NDPS added and offence under Section 10/11/12 Air Craft Act, 1934 deleted.

Criminal Case number before the Sessions Court	2890 of 2024
Date of Decision	27.11.2024

1. Aggrieved by the dismissal of anticipatory bail by the Additional Sessions Judge,Tarn Taran, vide order dated 27.11.2024, the appellant had come before this Court by filing the present appeal for bail in the FIR mentioned above for offences including Sections 12/16/17/18/18-B/20 of the Unlawful Activities (Prevention) Act [UAPA].
2. As per para No. 15 of the short reply dated 08.01.2025, the appellant has the following criminal antecedents:-

Sr. No.	FIR	Dated	Police Station	Sections
1.	27	15.04.2018	Ghania K. Bangar, District Gurdaspur	212, 216, 216-A, 380 IPC
2	100	29.09.2022	Fatehgarh Churian, District Amritsar	307, 324, 323, 341, 34 IPC
3.	124	08.10.2022	Rangarh Nangal, District Gurdaspur	307 IPC and 25 of the Arms Act
4.	55	27.04.2023	Lalru, SAS Nagar	15 of of NDPS Act

3. The facts of the case are being taken from reply dated 08.01.2025, filed by the concerned Deputy Superintendent of Police, which reads as follows

“4. That the true facts pertaining to the present case are that the investigating officer along with other police officials were present at Nagoke Gharat in-connection with special nakabandi on government vehicle and then, the investigating officer received a secret information that Gurwinder Singh @ Baba @ Raja son of Gurmeet Singh, resident of Peera Baad, Hyat Nagar, P.S Sadar Gurdaspur, Distt. Gurdaspur alongwith Sandeep Singh @ Kala son of Harpal Singh, resident of Awan P.S Ramdass, Distt. Amritsar used to smuggle narcotics, weapons and explosive substance from Indo- Pak Border and after receiving the above material through smuggling, they used to supply the same in different towns and cities and further with the explosive material, there is possibility of taking place of any untoward incident cannot be ruled out and in this regard, they used to take instructions through whatsapp calls from Pakistani smugglers and after seeking instructions from them, they used to supply narcotic material at different places and they used to send the drug money through different channels to Pakistan and the secret informer also informed that Gurwinder Singh and Sandeep Singh are coming in the area of Verowal and Khadur Sahib in a Lancer car bearing No.PB02-BB-4572, White colour and they are having with them heroin, opium, illegal weapons and explosive material and if a raid be conducted in that area, then they can be apprehended and the information given by the secret informer being cogent and reliable a case, FIR No.118 dated 08.08.2022, under Section 18/21/25/29 of NDPS Act, section 25 (6) (7) of Arms Act, sections 4/5 of Explosive Act, and sections 10/11/12 of Aircraft Act has been registered at police station Verowal against the aforesaid accused.

5. That after the registration of the case, a naka was laid in the presence of the Deputy Superintendent of Police (Detective), Tarn Taran and then in the meanwhile, a Lancer car bearing No.PB02-BB-4572, white color came and

a signal was given to stop that vehicle, the driver of car tried to run away by increasing the speed of the car, but the vehicle stopped with the help of other police officials, they were apprehended and were inquired. The person who was driving the car, disclosed his identity as Gurwinder Singh @Baba @ Raja son of Gurmeet Singh, resident of Peera Baad, Hyat Nagar, P.S Sadar Gurdaspur, District Gurdaspur and Sandeep Singh @ Kala son of Harpal Singh, resident of Awan P.S Ramdass, District Amritsar and thereafter, the Deputy Superintendent of Police (Detective), Tarn Taran disclosed his identity to the above apprehended persons and apprised them about their legal rights for getting their search conducted from some other Gazetted officer or any Magistrate, to which the above apprehended persons reposed their faith on the aforesaid DSP and thereafter, the search of Gurwinder Singh was conducted and during his search two polythene packets were recovered from the right dub of his pant and on opening one polythene, the heroin was found and on weighing the same, it comes to 310 grams of heroin and on opening the second packet, opium was found and on weighing the same, it comes to 50 grams of opium and one pistol 30 bore loaded with 5 live cartridges of 30 bore was also recovered and during the search of Sandeep Singh @ Kala, two polythenes were recovered from his right pocket of pant and on opening the first packet, heroin was found and on weighing the same, it comes to 325 grams of heroin and on opening the second packet, opium was found and on weighing the same, it comes to 50 grams of opium and one pistol 30 bore loaded with 6 live cartridges of 30 bore was also recovered and during the search of Lancer car, Rs.3,81,500/- (Three Lakh Eighty One Thousand Five Rupees) were recovered.

11. That during the course of investigation, the arrest of the co-accused Jagpreet Singh has been made in the present case on 24.02.2023 after obtaining production warrants from the learned Court of Illaqa Magistrate, Khadur Sahib, District Tarn Taran and during the course of his interrogation, he voluntarily suffered his disclosure statement before the investigating officer to the effect that "he has purchased 1 Kg of heroin from co-accused Gurwinder Singh and Sandeep Singh and further sold it to three accused i.e. 500 grams to Bhupinder Singh ie. the appellant, 300 grams to Gurlal Singh @ Rubal and 200 grams to Ravinder Singh @ Raj and on the basis of above said disclosure statement suffered by the co-accused Jagpreet Singh, the appellant namely Bhupinder Singh as well as co-accused Gurlal Singh and Ravinder Singh @ Raj have been nominated in the present case vide DDR No. 26 dated 24.02.2023"

4. We have heard counsel for the parties and gone through the record, including the reply and its analysis, which would lead to the following outcome.

5. The role of appellant-Bhupinder Singh is mentioned in paragraph 14 of the reply dated 08.01.2025, which reads as follows: -

“14. That as far as the role of the appellant is concerned, it is submitted that the name of the appellant namely Bhupinder Singh has been surfaced on the basis of disclosure statement suffered by the co-accused Jagpreet Singh in which he stated that he has sold 500 grams of heroin to the appellant Bhupinder Singh for which custodial interrogation of the appellant is utmost required in order to recover the heroin and further to bring the further investigation of the present case to its logical conclusion. Moreover, the recovery affected in this case falls under the purview of commercial quantity as mentioned in the schedule attached with the NDPS Act and the provision contained in section 37 of NDPS Act has been attracted and there is complete bar under section 37 of NDPS Act, to release any person on bail in case the recovery affected falls under the purview commercial quantity.”

6. It is not a case of simple recovery of 500 grams of heroin alone, but it is a case where the appellant is found to be involved in the commission of an offense punishable under Sections 13, 16, 17, 18, 18-B, 20 of the UAPA, which creates another rigor for the Court before the bail is granted, i.e., the court has to give an observation that no prima facie case is made out. A prima facie analysis of the evidence that was collected in the investigation and has been mentioned in the reply clearly points towards the existence of a prima facie case against the Appellant.

7. In fact, overall, the evidence pointing towards the recovery of narcotics, i.e., heroin, from Bhupinder Singh itself, is sufficient to deny him bail.

8. In the present case, there are allegations under Sections of UAPA for anti-India activities that could have indirectly weakened India by drugs, which in turn would have affected sovereignty. There is evidence of the appellant's involvement with Pakistan-based smugglers and the recovery of large amounts of ammunition from them. Thus, in the entirety of facts and circumstances, this Court is not inclined to grant bail to the appellant.

9. There is evidence of the appellant's involvement with Pakistan-based smugglers and the recovery of large amounts of ammunition from them. No doubt, the petitioner was named based on the disclosure statement but the fact is remain that the offence UAPA is attracted and without custodial interrogation, it would be impossible for the investigator to

find out further evidence or connectivity of the petitioner with the anti national persons. Thus, in the entirety of facts and circumstances, this Court is not inclined to grant bail to the appellant.

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

11. Considering the evidence collected against the appellant, his custodial interrogation is required to unearth the nexus and involvement. Moreover, the anticipatory bail is an extraordinary relief which cannot be granted merely because filing of the petition. Since, the petitioner has checkered history and is involved in four other cases, so he is not entitled for such relief. It is not a case where he is entitled to anticipatory bail. Furthermore, there is no illegality in the impugned order rejecting bail, and it calls for no interference. Accordingly, the appeal is dismissed and the order rejecting bail is upheld. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

(SUKHVINDER KAUR)
JUDGE

17.03.2026
Jyoti-II

Whether speaking/reasoned	YES
Whether reportable	NO