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**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

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**CRM-M-11305-2025 (O&M)
Date of decision: 14.05.2025**

Gurdeep Singh @ Deepa**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Jashandeep Singh Sandhu, Advocate
for the petitioner.

Ms. Pooja Nayar Sharma, DAG, Punjab.

MANISHA BATRA, J. (Oral)

1. The instant one is the fifth petition that has been by the petitioner for grant of regular bail in case arising out of FIR No. 92 dated 24.06.2023, registered under Section 18(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Dayalpura Bathinda, District Bathinda.

2. Brief facts of the case relevant for the disposal of the present petition are that on 24.06.2023, the petitioner and co-accused Harinder Singh @ Monu, while sitting in a car bearing registration number DL-3CBP-8621, were apprehended and recovery of 03 kgs. of opium was effected from the said car. Both of them were formally arrested at the spot. After completion of necessary investigation and usual formalities, *challan* was presented in the Court and presently, the petitioner along with the co-accused is facing trial for commission of aforementioned offence.

3. Learned counsel for the petitioner has argued that he has been falsely implicated in this case. It will be question of debate as to whether the

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recovery was effected from the petitioner or from the co-accused? It is further argued that at the time of effecting alleged recovery, no independent witness was joined. Even otherwise, investigation has since been completed and *challan* has been filed. Conclusion of trial is likely to take time as out of total 18 prosecution witnesses, only 06 witnesses have been examined so far, despite lapse of a period of about one and a half year from the date of presentation of *challan*. Similarly situated co-accused Harinder Singh @ Monu has already been granted concession of regular bail by this Court, vide order dated 22.10.2024 passed in **CRM-M-31751-2024**. On the grounds of parity, the petitioner too deserves the same benefit. His implication in other cases cannot be made a ground for denying him benefit of bail, especially in view of the fact that similarly situated co-accused has been granted concession of bail and the trial is substantially delayed. Even otherwise, the petitioner is on bail in other cases and in one case, he has been acquitted. In view thereof, no useful purpose would be served by keeping him in custody anymore. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be granted benefit of regular bail.

4. Status report has been filed by the respondent-State. It is submitted therein and learned Deputy Advocate General, Punjab has argued that the petitioner is not entitled to get benefit of bail as a commercial quantity of the contraband was recovered from him and the co-accused. He was nabbed at the spot. His story regarding false implication and plantation of the recovered contraband is concocted one. He is involved in three other cases of similar nature. The trial may be expedited. Hence, it is urged that the petition is liable to be dismissed.

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5. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

6. The petitioner along with co-accused Harinder Singh @ Monu is alleged to have been apprehended by the police party on 24.06.2023. A recovery of 03 kgs. of opium is shown to have been effected from them. A perusal of the record reveals that co-accused Harinder Singh @ Monu, whose case is on similar footing with that of the petitioner, has been granted concession of regular bail by this Court, as mentioned above. The petitioner is in custody since 24.06.2023. The trial would still take time to conclude as out of 18 prosecution witnesses, only 06 witnesses have been examined so far. Although, the petitioner is shown to be involved in some other cases but he is stated to be on bail in those cases. Even otherwise, this alone cannot be made a ground to deny benefit of bail to the petitioner given the peculiar facts of the case. Keeping in view the discussion as made above, I am of the considered opinion that no useful purpose would be served by keeping him in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

14.05.2025*Waseem Ansari***(MANISHA BATRA)
JUDGE***Whether speaking/reasoned
Whether reportable**Yes/No
Yes/No*