



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

227+228

1) CRM-M-8642-2025
Decided on : 28.10.2025

Sajan . . . Petitioner(s)
Versus
State of Punjab . . . Respondent(s)

2) CRM-M-8812-2025

Gurpreet Singh @ Ajay . . . Petitioner(s)
Versus
State of Punjab . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Ravinder Rana, Advocate,
for the petitioner(s).

Mr. Neeraj Madaan, Sr. DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. This order shall dispose of CRM-M-8642-2025 & CRM-M-8812-2025, as both the petitions are interconnected and have arisen out of same FIR. However, the lead case is CRM-M-8642-2025.
2. The instant petitions have been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioners, during the pendency of trial, who have been booked in a criminal case arising out of First Information Report, as detailed here-under:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Sajan (petitioner in CRM-M-8642-2025)	0011	15.03.2024	21/21(c)/61/85 of NDPS Act, 1985	Begowal	Kapurthala
Gurpreet Singh @ Ajay (petitioner in CRM-M-8812-2025)					

3. A few facts necessary for adjudication of the cases may be noticed.

As per the allegations recorded in the FIR, while the police party was a few yards away from the Power House, Begowal, at about 8:30 p.m., two youths were noticed approaching on foot from the road leading to the Electricity Board Office. On seeing the police party, both accused turned back in panic and started walking swiftly. On raising suspicion, they were chased, and during the chase, both youths took out polythene bags from their pockets and threw the same into nearby bhang plants. On being apprehended and interrogated, one of them disclosed his name as **Sajan s/o Tilak Raj**, and the other disclosed his name as **Gurpreet Singh @ Ajay s/o Lashkar Singh**.

During investigation, the polythene bags thrown by each accused were recovered and examined. From the bag thrown by accused/petitioner **Sajan**, 140 tablets of Etizolam along with ₹2,070/- in Indian currency were recovered, whereas, from the bag thrown by accused/petitioner **Gurpreet Singh @ Ajay**, 148 tablets along with 1.5 grams of heroin were recovered.

4. Learned counsel for the petitioners argues that, as per the FSL report, the salt content of Etizolam was found to be **13.72 grams** in the recovery from petitioner **Sajan**, and **14.652 grams** from the recovery attributed to petitioner **Gurpreet Singh @ Ajay**. Both petitioners have been in custody since 15.03.2024. Out of a total of seven prosecution witnesses, only one witness has been examined till date. Petitioner **Sajan** is aged about 26 years, and petitioner **Gurpreet Singh @ Ajay** is aged about 29 years. Neither of them has any prior involvement in offences of similar nature.

Since the recovery attributed to both the petitioners falls within the

notified commercial quantity under the NDPS Act, and the trial is progressing at a slow pace, keeping them detained for an indefinite period would serve no useful purpose. Hence, learned counsel prays for the grant of concession of regular bail to the petitioners.

5. On the other hand, learned State counsel has filed separate custody certificates dated 27.10.2025 in Court today, which are taken on record, subject to all just exceptions. Office to tag the same at the appropriate places. Copies thereof have been handed over to learned counsel for the petitioners.

6. While opposing the prayer for bail, learned State counsel submits that, in view of the recovery of commercial quantity of narcotic contraband, petitioners do not deserve to the concession of bail, without first establishing their innocence. However, it is fairly conceded that apart the present case, both the petitioners are not found involved in any other case of similar nature. It is also admitted position that they have remained in custody for more than a period of one year and one month and out of the total seven prosecution witnesses, only one witness has been examined so far. Other factual assertions, addressed by learned counsel for the petitioners have also not been disputed.

7. Having heard learned counsel for the parties and perusing the record, it is noticed that the recovery effected from both the petitioners falls within the *commercial quantity* as notified under the NDPS Act, 1985. Both the petitioners are young individuals, aged about 26 and 29 years respectively, and have got involved first time in the case under NDPS Act. They have already suffered incarceration, for a period of more than one year and one month. Trial is also progressing at a slow pace, as out of total of

seven prosecution witnesses, only one witness has been examined so far. The investigation stands concluded and the challan has already been presented before the learned trial Court.

8. This Court is conscious of the rigours of Section 37 of the NDPS Act, yet it cannot be overlooked that the petitioners have remained in custody for a considerable period, the recovery has been effected from polythene bags thrown by them, and the trial is not likely to conclude in the near future. Whether the petitioners were in conscious possession of the contraband or not, would be a moot question to be determined during the course of trial. Moreover, there is nothing on record to suggest that the petitioners have misused the process of law, attempted to tamper with evidence, or influenced witnesses in any manner.

9. Further incarceration of the petitioners for an indefinite period is not warranted, particularly when they are not found involved in any other similar case. This Court is inclined to extend them an opportunity to reform and rehabilitate themselves in society rather than keeping them behind bars for an extended period during trial.

In these circumstances, while keeping in view the period of custody already undergone, the age and antecedents of the petitioners, and the slow pace of trial, this Court is satisfied that the rigours of Section 37 of the NDPS Act stand satisfied to a limited extent for the purpose of granting bail. Accordingly, this Court deems it appropriate to grant the concession of regular bail to the petitioners.

10. Consequently, prayer made in the present petitions are **allowed**. Petitioners are ordered to be released on bail, subject to their furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial

Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

11. Needless to observe that the petitioners shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

12. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

13. It is further made clear that if, in future, petitioners are directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

Petitions stand disposed of.

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

(SANJAY VASHISTH)
JUDGE

October 28, 2025

J.Ram

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*