



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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CRM-M-9983-2025

Date of decision: 29.04.2025

Gurbhej Singh @ Bheja

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Yagsimant Attri Advocate
for the petitioner.

Mr. Shiva Khurmi, AAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.79 dated 04.07.2024 under Sections 21(c), 29, 61, 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Khem Karan, District Tarn Taran.

2. Learned counsel for the petitioner submits that the petitioner's false implication in the present case is evident from the fact that he has no previous criminal antecedents, much less ever been booked in a case under the NDPS Act. It has been further argued by the learned counsel that the petitioner was arrested on 22.10.2024 following a disclosure statement allegedly suffered by co-accused Chand Singh from whom a recovery of 262 grams of heroin was effected. It has been submitted that as per the disclosure statement the



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co-accused claimed that the petitioner was the alleged supplier of the recovered contraband. Learned counsel has argued that the petitioner has been falsely implicated and named as the supplier of the recovered contraband by co-accused Chand Singh as they have a history of strained relations. Furthermore, it has been argued that the disclosure statement on the basis of which the petitioner has been arraigned as an accused, does not have much evidentiary value. It has also been asserted by the learned counsel for the petitioner that after the petitioner was arrested on 22.10.2024 no recovery of any contraband, much less heroin, was made from him which further lends credence to his false implication in the present case. Learned counsel has further contended that after the charges were framed on 02.12.2024, only 01 prosecution witness out of the 11 cited, has been examined so far and, therefore, the possibility of the trial concluding in the near future does not arise.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from SI Sukhdev Singh, has not disputed the custody period of the petitioner nor has it been disputed that only 01 prosecution witness out of the 11 cited, has been examined so far. Further, on instructions, it has been contended that 01 prosecution witness has been given up as a result of which now only 09 prosecution witnesses remain to be examined.

4. On a pointed query, learned State counsel, on instructions, has also not contested that the petitioner has clean antecedents and no recovery of any contraband was made from him after the petitioner's



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name surfaced in the disclosure statement of co-accused Chand Singh and on his arrest on 22.10.2024.

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

6. The petitioner came to be nominated as an accused on the basis of a disclosure statement allegedly suffered by co-accused Chand Singh after 04 days of being apprehended by the police on 04.07.2024. The petitioner is not shown to be involved in any other criminal case much less under the NDPS Act. The trial would take considerable time to conclude. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

7. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

8. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

29.04.2025

Vinay

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No