

258-CRM-M-11676-2025

2025.PHHC.039923



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

CRM-M-11676-2025

Date of decision: 24.03.2025.

Gurpreet Singh @ Gopi

....Petitioner.

Versus

State of Punjab

....Respondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Manoj R. Sharma, Advocate,
for the petitioner.

Mr. Jatinder Pal Singh, Sr. DAG Punjab.

.....

SANJIV BERRY, J. (ORAL)

Instant petition has been filed under Section 483 of the
Bhartiya Nagarik Suraksha Sanhita 2023 (BNSS)for grant of regular
bail to the petitioner in case FIR (Annexure P-1). Details of the FIR are
as under: -

FIR No.	Dated	Sections	Police Station
62	13.11.2024	21(b) and 27-A of NDPS Act	Bhaini Mian Khan, District Gurdaspur

2. Heard.



3. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that the petitioner is in custody since 13.11.2024 and the challan has already been presented in the Court. He further contends that as per the allegations 10.04 grams of heroin is alleged to have been recovered from the petitioner which does not fall within the purview of commercial quantity. As such, prays for grant of regular bail.

4. *Per contra*, learned State counsel, referring to the status report dated 22.03.2025, filed in the form of affidavit of Deputy Superintendent of Police, Rural, District Gurdaspur, submits that challan has already been presented and he does not dispute the factual matrix of the case.

5. Briefly stated that case of the prosecution is that FIR in question was registered against the petitioner, Gurpreet Singh, on the allegations that on 13.11.2024, he was found in possession of 10.04 grams of heroin, one electronic weighing scale and Rs. 5000/- on account of selling the heroin. petitioner was arrested, thereafter, who in his disclosure statement disclosed that he had collected the aforesaid amount of Rs. 5000/- by selling heroin to different addicts and he himself purchased the same from one Jagmohan Singh, who has now

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been nominated as an accused. The said fact is also affirmed by learned State counsel.

6. Considering the respective arguments and perusing the record, it transpires that the petitioner is in custody since 13.11.2024, challan has already been presented in this case and admittedly, 10.04 grams of heroin was recovered from the possession of the petitioner, which does not fall within the commercial quantity. Admittedly, the conclusion of trial in the present case will take sufficient long time and in these circumstances, it is observed that no purpose would be served in detaining the petitioner in custody any longer to face the incarceration till the conclusion of trial. Accordingly, without commenting on the merits of the case, instant petition is allowed and the petitioner is ordered to be released on bail on his furnishing surety bonds/bail bonds to the satisfaction of Trial Court/Duty Magistrate.

6. The petitioner shall give the undertaking that he will not leave the country without prior permission of the Court; will regularly appear before the trial Court on each and every date; in case of some exigency, he will seek prior permission of the concerned Court qua his exemption to appear on the date fixed and he will not tamper with evidence of prosecution in any manner.

7. It is further made clear that in case the petitioner is found involved in any case under the NDPS Act, after his release on bail, it

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will be open for the prosecution to move an application for cancellation of his bail in accordance with the law.

8. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

9. Petition stands allowed.

10. Pending miscellaneous application, if any, also stands disposed of.

24.03.2025

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i) Whether speaking/reasoned?

Yes/No

ii) Whether reportable?

Yes/No

(SANJIV BERRY)
JUDGE