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

CRM-M-12682-2025

Date of Decision:27.05.2025

GURNAM SINGH ALIAS PEETAR

...PETITIONER

VS.

STATE OF PUNJAB

...RESPONDENT

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Sukhcharan Singh Gill, Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 483 of BNSS, 2023 with a prayer to grant regular bail to him in case FIR No.57 dated 22.06.2024, registered under Sections 21/61/85 (Section 29 added later on) of NDPS Act, 1985 Police Station Longowal, District Sangrur.

2. Learned counsel for the petitioner contends that as per the case of the prosecution, Nirmal Singh, co-accused was apprehended by the police, while he was carrying 270 grams of heroine in his conscious possession without any legal authorization. The petitioner was nominated as an accused on the basis of the statement made by Nirmal Singh, in police custody and such statement is not admissible against him. The petitioner was arrested in the



present case on 12.12.2024 and is in custody for the last more than 05 months. By referring to orders Annexures P-3 & P-4, learned counsel submits that co-accused, Rajvir Singh @ Raja and Gurdeep Singh have been granted the concession of bail by this Court.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner is a habitual criminal and is involved in 03 more cases under the provisions of NDPS Act and 01 case under the provisions of Punjab Excise Act and he does not deserve the concession of bail by this Court.

4. I have heard the learned counsel for the parties and perused the record carefully.

5. In the present case, admittedly no recovery of any contraband was effected from the petitioner. Even the admissibility of statement made by Nirmal Singh in police custody is yet to be decided by the trial Court. Thus, the further custody of the petitioner will not serve any useful purpose.

6. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate subject to the following conditions:-

(i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.

(ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.



(iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.

(iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.

(v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.

(vi) In case, the petitioner is involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.

(vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.

7. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

27.05.2025
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(N.S. SHEKHAWAT)
JUDGE

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