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

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**CRM-M-14310-2025
Date of Decision: 02.09.2025**

GURSEWAK SINGH

....PETITIONER

Versus.

STATE OF PUNJAB

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: - Mr.Karandeep Singh Sidhu, Advocate, for the petitioner.

Ms.Simran Gorla, AAG, Punjab.

RAJESH BHARDWAJ, J. (ORAL)

1. Petitioner has approached this Court by way of present petition praying for granting regular bail in case FIR No.04 dated 07.03.2024 under Sections 21 of the NDPS Act (Section 27-A of the NDPS Act added later on), registered at Police Station SSOC, Fazilka, District Fazilka.

2. Succinctly, facts of the case are that police party while on patrolling on 07.03.2024, received a secret information that one Gursewak Singh son of Gurpreet Singh was involved in smuggling heroin. It was informed that he has links with Pakistani smugglers and on getting heroin smuggled across the border, he sells the same in Punjab. It was informed that he would be waiting at the bus stand, Nihala Kilcha along with the contraband and if the raid is conducted, he could be arrested along with the same. On receipt of secret information, police team was constituted and police found a person resembling as disclosed and he was apprehended. On enquiry, he disclosed his name as Gursewak Singh and on conducting the search, 25 grams of Heroin and drug money of ₹5,18,000/- were recovered



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from him. He failed to produce any licence regarding possession of the contraband and also failed to provide any explanation regarding drug money. He was arrested at the spot. FIR was registered and investigation commenced. Samples were taken to FSL. On receipt of FSL report, challan was presented and on framing of charges, trial was commenced. Petitioner approached learned Special Court, Fazilka for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned special Judge, Fazilka vide order dated 19.04.2025. Earlier he approached this Court for grant of bail by way of CRM-M-23082-2024, but the same was dismissed as withdrawn on 14.05.2024 and by way of CRM-M-44677 of 2024, which was dismissed on 13.09.2024. Hence, the petitioner has approached this Court by way of the present third petition praying for the grant of regular bail.

3. It is vehemently contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case. It is submitted that an FIR has been registered on the basis of some secret information, which is in violation of Section 42 of the NDPS Act. He submits that search has been conducted in violation of Section 50 of the NDPS Act. He submits that even otherwise the alleged recovery of contraband of 25 gram of heroin is of non-commercial quantity for which provisions of Section 27 of the NDPS Act are attracting. He submits that an amount of ₹5,18,000/- has been recovered by the police from the petitioner, which he was having being an agriculturist, but the same has been planted on the petitioner in order to implicate him in the present case. He submits that the allegations pertaining to his connections with the Pakistani smugglers are



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totally baseless as the challan is totally silent regarding the same. It is submitted that petitioner is behind the bars from the last more than 1½ years, however, the trial has not even commenced till date. It is submitted that his fundamental rights are being defeated and as such, he deserves to be granted bail.

4. Per contra, learned counsel for the State submits that petitioner was specifically named in secret information and on conducting raid, 25 grams of Heroin and ₹5,18,000/- drug money were recovered from him. She submits that petitioner is involved in one more case of NDPS Act. She, on instructions, submits that out of 17 witnesses, no witness has been examined. It is informed that there is a recovery of 25 grams of Heroin and an amount of ₹5,18,000/- as recovered from the petitioner is drug money or not is a matter of trial. However, admittedly the contraband recovered is of non-commercial quantity. She has produced the custody certificate of the petitioner today in Court and the same is taken on record.

5. On hearing, it is deciphered that the contraband recovered from the petitioner is of non-commercial quantity. Out of 17 witnesses, no witness has been examined till date. Custody certificate produced would show that the petitioner has suffered incarceration of 01 year 05 months and 21 days as on 01.09.2025 and he is involved in one more case.

6. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Thus, keeping in view the arguments raised by both the

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sides, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

7. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

8. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

02.09.2025
Vivek

Whether speaking/reasoned	:	Yes
Whether reportable	:	No