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

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**CRM-M-14815-2025 (O&M)
Date of decision: 21.05.2025**

Surinder Singh @ Gaggi**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Rajiv Kumar Saini, Advocate
for the petitioner.

Ms. Pooja Nayar Sharma, DAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in FIR No. 392 dated 28.12.2023, registered under Section 21(C) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Special Task Force, SAS Nagar.

2. Brief facts of the case relevant for the disposal of the present petition are that on 28.12.2023, a secret information was received to the effect the present petitioner and one Paramjit Singh @ Mithun were indulged in selling heroin and on that day, they were coming in a car from Khasa towards Jalandhar highway. Acting on the information, a barrier was laid at the informed place and the petitioner and co-accused Paramjit Singh @ Mithun were apprehended by the police, while coming in a car bearing registration number PB-02-AY-3617. During search of the car, recovery of 300 grams of heroin was effected. The petitioner and co-accused were

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formally arrested at the spot. After completion of necessary investigation and usual formalities, *challan* was presented in the Court and presently, the petitioner along with co-accused is facing trial for commission of aforementioned offence. He had moved an application for grant of regular bail before the trial Court but the same had been dismissed, vide order dated 25.06.2024.

3. Learned counsel for the petitioner has argued that he has been falsely implicated in this case. In fact, the recovery of the contraband was effected from the aforesaid car, which belonged to co-accused Paramjit Singh @ Mithun and the petitioner had just taken lift in the car. There was no proper compliance of the provisions of Sections 42 and 50 of the NDPS Act. The petitioner is not involved in any other case. Even otherwise, investigation stands completed and *challan* has been filed. Conclusion of trial is likely to take time. The petitioner is in custody since 28.12.2023. No useful purpose would be served by keeping him in custody anymore. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be granted benefit of regular bail.

4. Status report has been filed by the respondent-State. It is submitted therein and learned Deputy Advocate General, Punjab has argued that the petitioner is not entitled to get benefit of bail as commercial quantity of the contraband was recovered from him and co-accused. He was duly named in the secret information and was nabbed at the spot. His story regarding false implication is concocted one. It is further argued that since the recovery of the contraband effected from the petitioner falls under the commercial quantity, the rigors of Section 37 of the NDPS Act would be

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attracted against the petitioner. The trial may be expedited. It is also argued that if the petitioner is released on bail, he can abscond or indulge in similar offences. Hence, it is urged that the petition is liable to be dismissed.

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

6. As per the allegations, the petitioner along with co-accused Paramjit Singh @ Mithun was apprehended by the police party on 28.12.2023 and recovery of 300 grams of heroin was effected from them. The petitioner was duly named in the secret information. The quantity of the recovered contraband falls within the ambit of commercial quantity. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted against him. The apprehension of learned State counsel that if extended benefit of bail, the petitioner may abscond or indulge in similar offences can also not be stated to be unfounded. There are serious and specific allegations against the petitioner. There is nothing on record to suggest that there would be any undue delay in conclusion of trial. Rather, the same may be expedited. The arguments raised by learned counsel for the petitioner with regard to lacunas in the investigation cannot be looked into at this stage as the same is to be decided by the learned trial Court after appreciating the entire evidence and material placed on record before it. Therefore, keeping in view the gravity of allegations as levelled against the petitioner, the quantity of recovered contraband, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, this Court is of the considered opinion that he does not deserve to be granted concession of regular bail, at this stage. Accordingly, the present petition is

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dismissed.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

21.05.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No