



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

CRM-M-14495-2025
Date of decision: 12.11.2025

RINKU GUJJAR

...PETITIONER

V/S

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Mr. Impinder Singh Dhaliwal, Advocate
for the petitioner.

Mr. Subhash Godara, Addl. A.G. Punjab.

SUBHAS MEHLA, J. (ORAL)

1. By way of the present petition, the petitioner is seeking regular bail in FIR No.88 dated 05.08.2024 under Sections 15(B) of NDPS Act, 1985 (offence under Section 15(c) of NDPS Act added vide GD No.22, dated 21.09.2024) registered at Police Station Gidderbaha, Sri Muktsar Sahib.

2. Mr. Impinder Singh Dhaliwal, Advocate has put in appearance on behalf of the petitioner and filed his power of attorney. The same is taken on record. Learned counsel for the petitioner submits that the case of the petitioner is at par with co-accused Dhir Singh, Rajinder Singh @ Raja and Surjeet Singh, who have been granted the concession of regular bail by this Court vide orders dated 15.10.2025, 07.07.2025 and 25.08.2025 in **CRM-M No.25019 of 2025**, **CRM-M No.32373 of 2025** and **CRM-M No.65147 of 2024** respectively; the petitioner has been falsely implicated in the present case; the recovery of contraband was effected from the car, in which, the petitioner along with co-accused was travelling; the petitioner has no concern



with the alleged recovery and nothing has been recovered from him; the petitioner is in custody for the last more than 01 year and 03 months; he is first time offender and has clean antecedents and is not involved in any other case; out of 13 prosecution witnesses, only 01 has been examined and 01 has been given up; all the prosecution witnesses are police officials and the trial is expected to take considerable time to conclude. Therefore, it is prayed that the petitioner be released on regular bail.

3. On the other hand, learned State counsel vehemently opposed the prayer for grant of regular bail to the petitioner by submitting that the alleged contraband i.e. 55 kgs of Poppy Husk falls under the category of commercial quantity, which was recovered from the car, in which the petitioner along with co-accused was travelling and the car was being driven by the petitioner; the case of the present petitioner is not on the same footing as the co-accused, namely, Rajinder Singh @ Raja and Surjeet Singh, who were arrested on the disclosure statement; contraband recovered from Surjeet Singh falls under the category of non-commercial quantity i.e. 35 kgs of Poppy Husk and drug money amounting to Rs.5,50,000/- was also recovered; co-accused, Rajinder Singh @ Raja was also nominated as accused on the basis of disclosure statement and no recovery was effected from him. On instructions, learned State counsel further submits that out of 13 prosecution witnesses, only 01 has been examined and 01 has been given up. However, learned State counsel did not dispute that the case of the petitioner is at par with co-accused Dhir Singh, who has been granted the concession of regular bail by this Court.

4. Heard.



5. Keeping in view the facts and circumstances of the case and the fact that the case of the petitioner is on same footing with co-accused Dhir Singh, who has been granted the concession of regular bail by this Court vide order dated 15.10.2025 in **CRM-M No.25019 of 2025**; he is in custody since 09.08.2024 i.e. for the last more than 1 year and 03 months and has clean antecedents; out of 13 prosecution witnesses, only 01 has been examined and 01 has been given up; the recovery of contraband was effected from the car, in which the petitioner along with co-accused was travelling; since the prosecution witnesses are police officials, trial will take sufficient time to conclude and no fruitful purpose would be served by keeping him in custody for any further period, as concession of bail cannot be denied just as measure of punishment as culpability of the accused will be decided at the final stage by the trial Court after appreciating the evidences adduced by both sides and it is trite principle of criminal jurisprudence that bail is rule and jail is an exception, this Court deems it a fit case to grant the concession of regular bail to the petitioner.

6. Moreover, the Hon'ble Apex Court in ***Dheeraj Kumar Shukla Vs. State of UP 2023 SCC Online SC 918*** observed that where the quantity recovered from the petitioner is commercial in nature but the petitioner is a first time offender, the rigors of Section 37 of NDPS Act can be relaxed. The relevant para reads as under:-

“ xxx xxx xxx xxx

It is true that the quantity recovered from the petitioner is commercial in nature and the provisions of Section 37 of the Act may ordinarily be attracted. However, in the absence of criminal antecedents and the fact that the petitioner in custody for the last



two and a half years, we are satisfied that the conditions of Section 37 of the Act can be dispensed with.....”

7. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.
8. Nothing observed hereinabove shall be construed to be an expression of opinion by this Court lest it may prejudice the trial. The learned trial Court is directed to proceed with the trial on its own merits, strictly in accordance with law.
9. Pending application(s), if any, stand disposed of.

November 12, 2025
manisha

(SUBHAS MEHLA)
JUDGE

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|------|---------------------------|--------|
| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |