

2025:PHHC:098154



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

CRM-M-16998-2025 (O&M)

Reserved on : 29.07.2025

Pronounced on : 04.08.2025

Gurmesh Singh @ Babbu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. K. S. Sidhu, Advocate
for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab.

MANISHA BATRA, J.

1. The instant one is the second petition that has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to him in FIR No. 82 dated 08.09.2024, registered under Sections 21 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Khui Khera, District Fazilka. The previous petition, bearing number **CRM-M-7962-2025**, was dismissed as withdrawn on 18.02.2025.

2. Brief facts of the case relevant for the disposal of the present petition are that on 08.09.2024, the petitioner and co-accused Surinder Singh were coming in a car bearing registration number DL-3C-BC-0303. A police party headed by ASI Iqbal Singh was on patrolling duty. A barricade was laid by the police party. It noticed the car of the petitioner coming from the side of Fazilka. The police gave signal to the driver-Surinder Singh to stop the car, on which, he stopped the car at some distance and ran away. However, the

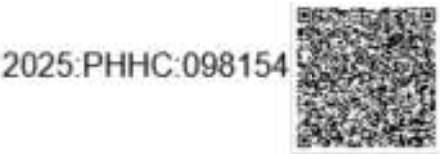
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petitioner, who was sitting on the co-driver seat, was apprehended by the police party. On conducting search of the car, recovery of 338 grams of heroin was effected. The petitioner was formally arrested at the spot. During investigation, it was found that the aforesaid car belonged to co-accused Surinder Singh. After completion of necessary investigation and usual formalities, *challan* was presented before the Court and presently, the petitioner along with the co-accused is facing trial for commission of aforementioned offences.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. In fact, the car belonged to co-accused Surinder Singh and the petitioner had gone to watch a cricket match with him. He was not at all aware about the possessions of the co-accused. The petitioner has made several representations to the higher police authorities and has filed a petition before this Court seeking impartial investigation in the case. 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 08.09.2024. 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 released on regular bail.

4. Status report has been filed by the respondent-State. Learned Assistant Advocate General, Punjab has argued that keeping in view the gravity of the allegations levelled against the petitioner, he does not deserve to be released on bail. It is also argued that if the petitioner is released on bail, he can abscond or indulge in similar offences. It is, thus, argued 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. The petitioner is alleged to have been apprehended by the police party on 08.09.2024 and recovery of 338 grams is alleged to have been effected from the car, in which he was travelling with co-accused Surinder Singh, who succeeded in running away from the spot. The said quantity of the contraband obviously falls under commercial quantity. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted in this case. Investigation stands completed and *challan* has been filed. Trial has commenced. There is nothing on record to show that there would be any undue delay in conclusion of the same. The apprehension expressed by learned State counsel that the petitioner, if extended benefit of bail, may abscond or indulge in similar offences can also not be stated to be unfounded at this stage. Keeping in view the discussion as made above, the quantity of recovered contraband, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, I am of the considered opinion that the petitioner does not deserve to be granted benefit of regular bail, at this stage. Hence, the petition is dismissed.
7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

04.08.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No