



CRM-M-17452-2025

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233+ IN THE HIGH COURT OF PUNJAB AND HARYANA
241+113 AT CHANDIGARH

(1) CRM-M-17452-2025

Gautam Soni

..... Petitioner

Versus

State of Punjab

.....Respondent

(2) CRM-M-34502-2025 (O&M)

Shubham Kumar @ Shabi

..... Petitioner

Versus

State of Punjab

.....Respondent

Date of Decision: 26.08.2025**CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr.Amit Arora, Advocate, for the petitioner
in CRM-M-17452-2025.
Mr. Ramnish Puri, Advocate, for the petitioner
in CRM-M-34502-2025.
Ms. Simran Gorla, AAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

CRM-33646-2025 in
CRM-M-34502-2025

Allowed as prayed for. Annexure P-4 is taken on record.

Main cases

1. This order will dispose of above-mentioned two petitions, as both have arisen out of a common FIR.
2. Petitioners have approached this Court by way of present petitions praying for granting them regular bail in case FIR No.06 dated 07.01.2025, under Sections 21(b), 27(a), 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 25 of Arms Act, 1959, registered at Police Station Islamabad, District Police Commissionerate Amritsar.



3. Succinctly, facts of the case are that the Police party while on patrolling on 07.01.2025, laid Naka. While checking the vehicles, they saw a white coloured Verna car coming and the same was signalled to be stopped. Two young boys were travelling in the car, who seeing the police got perplexed and they tried to ran away after alighting from the car. The driver of the car was about to throw one plastic bag after taking it out from his pocket. However, they were apprehended. On asking, the driver of the car disclosed his name as Gautam Soni (petitioner in CRM-17452-2025) and the person sitting besides him disclosed his name as Subham Kumar @ Shabi (petitioner in CRM-M-34502-2025). They were suspected to be carrying some contraband and thus, the plastic bag being held by Gautam Soni was searched and 80 grams of heroin was recovered from the same. On searching Subham Kumar @ Shabi, 32 bore pistol alongwith magazine and one live cartridge of 32 bore pistol, were recovered. Drug money of Rs.5,02,000/- was also recovered from the dash board of the car. They failed to produce any licence regarding the possession of the contraband and the illegal arm recovered. Thus, on the registration of the FIR, they were arrested on the spot. Investigation commenced and samples taken were sent to the FSL. On receipt of the FSL report, challan was presented. The petitioners approached the Court of learned Additional Sessions Judge, Amritsar praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail applications filed by the petitioners vide order dated 20.03.2025/07.03.2025. Hence, the petitioners have approached this Court praying for grant of regular bail by way of filing the present petitions.



4. It has been vehemently contended by learned counsel for the petitioners that the petitioners have been falsely implicated in the present case. It is submitted that the alleged recovery has been effected from a public place, however, no independent witness has been joined. They submit that there is violation of provisions of Section 50 of NDPS Act. It is also submitted that petitioner Gautam Soni is facing prosecution in some other cases and hence, the petitioners have been falsely implicated in the present case in a premeditated manner by planting recovery on them. They submit that the petitioners are behind bars since the date of their arrest, however, there is no material progress in the trial. Thus, they have submitted that the petitioners deserve the concession of regular bail.

5. *Per contra*, learned State counsel has vehemently opposed the submissions made by counsel for the petitioners. She has submitted that recovery of contraband and the arms have been effected from both the petitioners on the spot. On instructions, she has submitted that challan has already been presented. She submits that the petitioners are involved in other cases. She has placed on record the custody certificates of the petitioners.

6. On hearing counsel for the parties and perusing the record, it is deciphered that the petitioners are behind bars since the date of their arrest i.e. 07.01.2025. The contraband recovered is a non-commercial quantity. There is no denial to the fact that every accused has the fundamental right of speedy trial. Custody certificates of the petitioners would show that the petitioners have suffered an incarceration of 07 months and 13 days as on 25.08.2025. Custody certificates further show that petitioner Shubam Kumar @ Shabi has no criminal antecedents, whereas, petitioner Gautam Soni is

involved in two other cases.

7. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides, this Court is of the opinion that learned counsel for the petitioners succeed in making out a case for grant of regular bail to the petitioners. Accordingly, the present petitions are allowed and the petitioners are ordered to be released on bail on their furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

8. It is being clarified that in case petitioner- Gautam Soni does not furnish bail/surety bonds within a period of one week from today, his custody will not be counted in the present case after one week.

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

26.08.2025 sharmila	(RAJESH BHARDWAJ)	
	JUDGE	
	Whether Speaking/Reasoned :	Yes/No
	Whether Reportable :	Yes/No