

2025:PHHC:066118



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

108

CRM-M-19337-2025 (O&M)
Date of decision: 19.05.2025

Gamdur @ Gamdur Singh**...Petitioner**

Versus

State of Haryana**...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Parminder Singh Sekhon, Advocate
for the petitioner.

Mr. Apoorv Garg, Senior DAG, Haryana.

MANISHA BATRA, J. (Oral)**1. CRM-19974-2025**

Prayer in this application is for preponing the date of main case,
which is fixed for 24.07.2025.

For the reasons stated in the application, the same is allowed.
The main case is preponed and taken up today itself.

2. CRM-M-19337-2025 (O&M)

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. 74 dated 27.04.2024, registered under Sections 21-A, 27-A and
29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short*
'NDPS Act') at Police Station Jakhal, District Fatehabad.

3. Brief facts of the case relevant for the disposal of the present
petition are that on 27.04.2025, co-accused Reshma, who is wife of the
present petitioner, was apprehended by a police party headed by SI Ajay

2025:PHHC:066118



Kumar and recovery of 02.10 grams of heroin and an amount of Rs.5,000/- was effected. Upon interrogation, she disclosed that the present petitioner had given her 04 grams of heroin for selling the same, out of which, she had sold some heroin for an amount of Rs.5,000/- and 02.10 grams of heroin was till with her. On the basis of the same, the present petitioner was nominated in this case and was arrested on 15.02.2025. After completion of necessary investigation and usual formalities, *challan* was presented in the Court and presently, the petitioner along with the co-accused is facing trial for commission of aforesaid mentioned offences.

4. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. He has been nominated in this case on the basis of the disclosure statement suffered by the aforesaid co-accused, which is not admissible in evidence. More so, the alleged recovery of the contraband effected from the co-accused is of small quantity and does not fall under commercial quantity at all. Though the petitioner has been falsely implicated in some other cases of similar nature but he stands acquitted in two cases and one case of similar nature is still pending, wherein he is on bail. On being nominated in this case, the petitioner had himself surrendered before the police authorities. Investigation has since been completed and *challan* has been filed. However, the trial has not yet started as the FSL report has not been received so far. Hence, the conclusion of trial is likely to take time. The petitioner is in custody since 15.02.2024. No useful purpose would be served by keeping him in custody anymore. It is, therefore, urged that the petition deserves to be allowed and the petitioner deserves to be released on bail.

2025:PHHC:066118



5. Status report has been filed by the respondent-State. It is submitted therein and learned Senior Deputy Advocate General, Haryana has argued that the petitioner is not entitled to get benefit of bail as he is a habitual offender. He is involved in four other cases of similar nature, out of which, in two cases, he has been acquitted, in one case he has been convicted and in one case, he is still facing trial. Hence, it is urged that the petition is liable to be dismissed.

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

7. The petitioner has been nominated in this case on the basis of the disclosure statement suffered by the above named co-accused. Subsequent to his arrest, no recovery is shown to have been effected from him. Even the quantity of the contraband recovered from the co-accused is small and does not fall within the commercial quantity. The petitioner is in custody since 15.02.2025. A perusal of the status report reveals that even charges have not been framed, despite the fact that *challan* was presented on 02.04.2025, as the FSL reported is stated to be awaited. Hence, the conclusion of trial would certainly take time. Keeping in view the aforesaid facts and circumstances, I am of the considered opinion that no useful purpose would be served by keeping him in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

2025:PHHC:066118



8. 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.

19.05.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>