

CRM-M-20174-2025 (O&M), CRM-M-20355-2025 (O&M),
CRM-M-22093-2025 (O&M) AND CRM-M-53671-2025 (O&M)

2025:PHHC:165349



229 (4 cases)
**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

1.

CRM-M-20174-2025 (O&M)

Gurjeet Singh @ Bhura Fauji

....Petitioner

versus

State of Punjab

....Respondent
2.

CRM-M-20355-2025 (O&M)

Lali Singh

....Petitioner

versus

State of Punjab

....Respondent
3.

CRM-M-22093-2025 (O&M)

Satguru Singh

....Petitioner

versus

State of Punjab

....Respondent
4.

CRM-M-53671-2025 (O&M)

Jagtar @ Kari @ Jagtar Singh

....Petitioner

versus

State of Punjab

....Respondent

Date of decision: November 28, 2025
Date of Uploading: November 28, 2025

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Gopal Singh Nahel, Advocate for the petitioner
(in CRM-M-20174-2025).

Mr. Parminder Singh Sekhon, Senior Advocate with
Mr. Rajdeep Singh, Advocate for the petitioner(s)

CRM-M-20174-2025 (O&M), CRM-M-20355-2025 (O&M),
CRM-M-22093-2025 (O&M) AND CRM-M-53671-2025 (O&M)

(in CRM-M-20355-2025 & CRM-M-53671-2025).

Mr. Mohinder Singh Joshi, Advocate for the petitioner
(in CRM-M-22093-2025).

Mr. Jaypreet Singh, DAG Punjab.

SUMEET GOEL, J. (ORAL)

By way of the present common judgment, this Court proceeds to decide aforesaid four petitions in hand, since there is commonality and congruity of legal issues therein, as conceded by the learned rival counsel.

2. For the cause of convenience, the facts are drawn out from *CRM-M-20174-2025* titled as *Gurjeet Singh @ Bhura Fauji versus State of Punjab*.

3. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner(s) in case bearing FIR No.83 dated 10.06.2024, registered for the offences punishable under Sections 15 & 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') (Section 29 of the NDPS Act added later on), at Police Station Lehra, District Sangrur.

4. The gravamen of the FIR in question is that the petitioner(s) are accused of being involved in an FIR pertaining to NDPS Act involving alleged recovery of 710 Kg Poppy Husk from Brezza car bearing registration No.HR-26DA-9748, when, Gurjeet Singh @ Bhura @ Fauji (petitioner herein), Satguru Singh (petitioner herein) and another co-accused, namely, Kuldeep Sharma were apprehended by the police upon receiving a secret

CRM-M-20174-2025 (O&M), CRM-M-20355-2025 (O&M),
CRM-M-22093-2025 (O&M) AND CRM-M-53671-2025 (O&M)

information. One another co-accused, namely, Kuldip Singh, nominated Lali Singh (petitioner herein) on the basis of his disclosure and Gurjeet Singh @ Bhura Fauji nominated Jagtar @ Kari @ Jagtar Singh on the basis of his disclosure.

5. Learned Senior counsel and other counsel for the petitioner(s) have iterated that the petitioner(s), namely, Gurjeet Singh @ Bhura Fauji and Satguru Singh are in custody since 10.06.2024—petitioner, namely, Lali Singh is in custody since 10.03.2025—petitioner, namely, Jagtar alias Kari alias Jagtar Singh is in custody since 12.03.2025. They further iterated that sole basis for implication of the petitioner-Lali Singh is the disclosure made by Kuldip Singh and in respect of implication of petitioner-Jagtar @ Kari @ Jagtar Singh, the sole basis available is the disclosure of Gurjeet Singh @ Bhura Fauji. They have further submitted that mandatory provisions of the NDPS Act have not scrupulously been complied with, and thus, the prosecution case suffers from inherent defects. They have iterated that the trial is delayed and the liability thereof cannot be fastened upon the petitioner(s). They have further iterated that the petitioner(s)-Gurjeet Singh @ Bhura Fauji and Satguru Singh have suffered incarceration for about 01½ years, and petitioner(s)-Lali Singh and Jagtar alias Kari alias Jagtar Singh have suffered incarceration of more than 08 months.

5.1. Learned Senior counsel for the petitioner (in CRM-M-53671-2025) has iterated that the petitioner is not keeping well as he had, in past, sustained fracture in his right leg owing to his meeting with an accident; and he is now suffering from chronic osteomyelitis in the said leg.

CRM-M-20174-2025 (O&M), CRM-M-20355-2025 (O&M),
CRM-M-22093-2025 (O&M) AND CRM-M-53671-2025 (O&M)

Thus, regular bail(s) are prayed for.

6. *Per contra*, learned State counsel has opposed the present petition(s) by arguing that the allegations raised against the petitioners are serious in nature and, thus, the petitioners do not deserve the concession of the regular bail. Learned State counsel has further submitted that petition(s) in hand do not meet the rigors of Section 37 of the NDPS Act and are, thus, liable to be rejected on this score alone. Learned State counsel seeks to place on record custody certificate(s) dated 26/27.11.2025 in the Court today, which are taken on record. As per the said custody certificate(s), the petitioner(s)-Gurjeet Singh @ Bhura Fauji and Satguru Singh have suffered incarceration for about 01½ years & are shown to be involved in other FIR(s)—the petitioner(s)-Lali Singh and Jagtar alias Kari alias Jagtar Singh have suffered incarceration of more than 08 months & are not shown to be involved in other FIR(s).

7. I have heard counsel for the rival parties and perused the paper-book as also the record produced before me.

8. Before delving further into the merits of the case, it would be apposite to refer herein to the following case-law germane to the matter(s) in issue:

i) The Hon'ble Supreme Court in the case of *Union of India versus Namdeo Ashruba Nakade, Special Leave to Appeal (Crl.) No.9792/2025*, has held as under:

“8. This Court is of the view that the issue of substance abuse has emerged as a global public health crisis in the twenty-first century, affecting every country worldwide, as drug trafficking and

addiction have become pervasive. The United Nations Office on Drugs and Crime (UNODC) reported in its 2025 World Drug Report that “As at 2023, some 316 million people worldwide had used drugs in the past year, representing an increase over the past decade that outpaces population growth, which indicates a higher prevalence of drug use.”

9. *In India, there has been a concerning increase in drug abuse among the youth. Substance abuse not only affects individuals, families, and communities but also undermines various aspects of health including physical, social, political, cultural foundations, and mental well-being. (See: “Bhattacharya S, Menon GS, Garg S, Grover A, Saleem SM, Kushwaha P. The lingering menace of drug abuse among the Indian youth – it’s time for action. Indian J Community Med 2025;50:S9-12, published on 17th April, 2025”)*

10. *According to many news reports, India faces a clear dilemma between tackling the narcotics crisis systematically or sacrificing its most valuable resource i.e. its young people. The extent of menace of drug abuse has also been highlighted by this Court in the case of Ankush Vipin Kapoor v. National Investigation Agency, (2025) 5 SCC 155 wherein this Court has observed as under:*

“9.1 The ills of drug abuse seem to be shadowing the length and breadth of our country with the Central and every State Government fighting against the menace of substance abuse. The debilitating impact of drug trade and drug abuse is an immediate and serious concern for India. As the globe grapples with the menace of escalating Substance Use Disorders (“SUD”) and an ever accessible drug market, the consequences leave a generational Page 75 of 84 imprint on public health and even national security. Article 47 of the Constitution makes it a duty of the State to regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties and in particular the State shall endeavour to bring about prohibition of the consumption except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health. The State has a responsibility to address the root causes of this predicament and develop effective intervention strategies to ensure that India’s younger population, which is particularly vulnerable to substance abuse, is protected and saved from such menace. This is particularly because substance abuse is linked to social problems and can contribute to child maltreatment, spousal violence, and even property crime in a family.”

11. *In the present case, this Court finds that though the Respondent-accused was in custody for one year four months and charges have not been framed, yet the allegations are serious inasmuch as not only is the recovery much in excess of the commercial quantity but the Respondent-accused allegedly got the cavities ingeniously fabricated below the trailer to conceal the contraband.*

12. *Prima facie this Court is of the opinion that the Respondent-accused is involved in drug trafficking in an organized manner. Consequently, no case for dispensing with mandatory requirement of Section 37 of the NDPS Act is made out in the present matter.*

CRM-M-20174-2025 (O&M), CRM-M-20355-2025 (O&M),
CRM-M-22093-2025 (O&M) AND CRM-M-53671-2025 (O&M)

13. Moreover, this Court is of the view that as the accused has been charged with offences punishable with ten to twenty years rigorous imprisonment, it cannot be said that the Respondent has been incarcerated for an unreasonably long time.”

ii) Further, the Hon’ble Supreme Court in the case of ***Union of India versus Vigin K. Varghese, Special Leave Petition (Crl.) No(s).7768 of 2025***, has held as under:

“15. At this stage, two features stand out. The High Court’s conclusion that there is no material to show that the applicant had any knowledge of the cocaine in the consignment has been arrived at without discussion of the statements of the respondent and circumstances relied upon by the prosecution, including the assertion that the respondent had placed the orders for import, controlled the logistics chain, coordinated with the overseas supplier, and was present when the consignment was opened. The High Court has not examined whether those circumstances, taken at face value for the limited purpose of bail, could prima facie indicate conscious control or involvement sufficient to attract the presumption of culpable mental state indicated under Section 35 of the NDPS Act.

16. Further, while granting bail, the High Court recorded that there were no antecedents against the applicant. The material before this Court includes the Union’s assertion that the respondent had already been apprehended in connection with an earlier seizure of approximately 198.1 kilograms of Methamphetamine and 9.035 kilograms of Cocaine allegedly imported through the same channel only days before the present seizure. That assertion is neither noticed nor answered in the impugned orders.

17. The High Court then, on the strength of those premises, recorded a finding that there exist reasonable grounds to believe that the applicant is not guilty of the alleged offence, treating prolonged incarceration and likely delay as the justification for bail. Such a finding is not a casual observation. It is the statutory threshold under Section 37(1)(b)(ii) which would disentitle the discretionary relief and grant of bail must necessarily rest on careful appraisal of the material available. A conclusion of this nature, if returned without addressing the prosecution’s assertions of operative control and antecedent involvement, risks trenching upon appreciation of evidence which would be in the domain of trial court at first instance.”

iii) This Court in the case of ***Jaswinder Singh alias Kala versus State of Punjab***, passed in ***CRM-M-33729-2025 (2025:PHHC:089161) = 2025 SCC OnLine P&H4537***, after relying upon the *ratio decidendi* of the judgments of the Hon’ble Supreme Court in *Union of India vs. Thamisharasi & Ors*, 1995(4) SCC 190, *Customs, New Delhi vs. Ahmadalieva Nodira*,

2004 (3) SCC 549, Union of India vs. Shri Shiv Shanker Kesari, 2007(4) RCR(Criminal) 186, Satpal Singh vs. State of Punjab, 2018 (13) SCC 813, Narcotics Control Bureau vs. Mohit Aggarwal, 2022 LiveLaw (SC) 613, Mohd. Muslim @ Hussain vs. State (NCT of Delhi) 2023 LiveLaw (SC) 260, Narcotics Control Bureau vs. Kashif, 2024 INSC 1045, Usmanbhai Dawoodbhai Memon vs. State of Gujarat, 1988(1) RCR(Criminal) 540, Ranjitsing Brahmajeetsing Sharma vs. State of Maharashtra & Anr. 2005(5) SCC 294, Central Bureau of Investigation vs. Vs. Vijay Sai Reddy, 2013(3) RCR (Criminal) 252, Municipal Corporation of Delhi vs. M/s Jagan Nath Ashok Kumar and another, 1987(4) SCC 497, Gujarat Water Supply and Sewerage Board vs. Unique Erectors (Gujarat) (P) Ltd., and another, 1987(1) SCC 532, Collector and others vs. P. Mangamma and others, 2003(4) SCC 488, Commissioner of Income-tax, Delhi vs. S. Teja Singh, 1958 SCC Online SC 30, Management of Advance Insurance Co. Ltd. Vs. Shri Gurudasmal and others 1970(1) SCC 633, Tinsukhia Electric Supply Co. Ltd. Vs. State of Assam, 1989(3) SCC 709 and Commissioner of Income Tax vs. Hindustan Bulk Carriers, 2003(3) SCC 57; has held, thus:

“14. As a sequitur to above-said rumination, the following postulates emerge:

(I) (i) A bail plea on merits; in respect of an FIR under NDPS Act of 1985 involving offence(s) under Section 19 or Section 24 or Section 27-A thereof and for offence(s) involving commercial quantity; is essentially required to meet with the rigour(s) of Section 37 of NDPS Act.

(ii) The rigour(s) of Section 37 of NDPS Act do not apply to a bail plea(s) on medical ground(s), interim bail on account of any exigency including the reason of demise of a close family relative etc.

(iii) The rigour(s) of Section 37 of NDPS Act pale into oblivion when bail is sought for on account of long incarceration in view of Article 21 of the Constitution of India i.e. where the bail-applicant has suffered long under-trial custody, the trial is procrastinating and folly thereof is not attributable to such bail-applicant.

- II. *The twin conditions contained in Section 37(1)(b) of NDPS Act are in addition to the conditions/parameters contained in Cr.P.C./BNSS or any other applicable extant law.*
- III. *The twin conditions contained in Section 37(1)(b) of NDPS Act are cumulative in nature and not alternative i.e. both the conditions are required to be satisfied for a bail-plea to be successful.*
- IV. *For consideration by bail Court of the condition stipulated in Section 37(1)(b)(i) of NDPS Act i.e. “there are reasonable grounds for believing that he is not guilty of such offence”:*
- (i) *The bail Court ought to sift through all relevant material, including case-dairy, exclusively for the limited purpose of adjudicating such bail plea.*
- (ii) *Such consideration, concerning the assessment of guilt or innocence, should not mirror the same degree of scrutiny required for an acquittal of the accused at the final adjudication & culmination of trial.*
- (iii) *Plea(s) of defence by applicant-accused, if any, including material/documents in support thereof, may be looked into by the bail-Court while adjudicating such bail plea.*
- V. *For consideration of the condition stipulated in Section 37(1)(b)(ii) i.e. ‘he is not likely to commit any offence while on bail’:*
- (i) *The word ‘likely’ ought to be interpreted as requiring a demonstrable and substantial probability of re-offending by the bail-applicant, rather than a mere theoretical one, as no Court can predict future conduct of the bail-applicant.*
- (ii) *The entire factual matrix of a given case including the antecedents of the bail-applicant, role ascribed to him, and the nature of offence are required to be delved into. However, the involvement of bail-applicant in another NDPS/other offence cannot ipso facto result in the conclusion of his propensity for committing offence in the future.*
- (iii) *The bail-Court may, at the time of granting bail, impose upon the applicant-accused a condition that he would submit, at such regular time period/interval as may stipulated by the Court granting bail, an affidavit before concerned Special Judge of NDPS Court/Illaq (Jurisdictional) Judicial Magistrate/concerned Police Station, to the effect that he has not been involved in commission of any offence after being released on bail. In the facts of a given case, imposition of such condition may be considered to be sufficient for satisfaction of condition enumerated in Section 37(1)(b)(ii).*
- VI. *There is no gainsaying that the nature, mode and extent of exercise of power by a Court; while satisfying itself regarding the conditions stipulated in Section 37 of NDPS Act; shall depend upon the judicial discretion exercised by such Court in the facts and circumstances of a given case. No exhaustive guidelines can possibly be laid down as*

CRM-M-20174-2025 (O&M), CRM-M-20355-2025 (O&M),
CRM-M-22093-2025 (O&M) AND CRM-M-53671-2025 (O&M)

to what would constitute parameters for satisfaction of requirement under Section 37 (ibid) as every case has its own unique facts/circumstances. Making such an attempt is nothing but a utopian endeavour. Ergo, this issue is best left to the judicial wisdom and discretion of the Court dealing with such matter.”

9. The petitioner(s), namely, Gurjeet Singh @ Bhura Fauji and Satguru Singh were arrested on 10.06.2024—petitioner, namely, Lali Singh was arrested on 10.03.2025 and petitioner, namely, Jagtar alias Kari alias Jagtar Singh was arrested on 12.03.2025. Investigation was carried out and challan *qua* Gurjeet Singh @ Bhura Fauji and Satguru Singh has been presented on 22.11.2024 and *qua* Lali Singh and Jagtar alias Kari alias Jagtar Singh, the challan has been presented on 07.04.2025. Out of total 34 cited prosecution witnesses, 02 have been examined and 15 have been given up till date. The trial is underway. Indubitably, the petitioner(s) are involved in the FIR in question pertaining to alleged recovery of 710 Kg Poppy Husk, which is commercial in nature as per NDPS Act, 1985. From the rival submissions as also the material brought forth before me, no cause is made out in favour of the petitioner(s) to meet with the rigors of Section 37 of the NDPS Act.

9.1. *Qua* the health condition of the petitioner, namely, Jagtar alias Kari alias Jagtar Singh, pursuant to the order dated 04.09.2025, a short reply by way of an affidavit dated 27.10.2025 of Ramandeep Singh Bhangu, PPS, Superintendent, District Jail, Sangrur has been filed, which is already on record. The relevant whereof reads thus:

“Board of doctors vide letter of civil surgeon, Sangrur duly constituted by SMO I/C. Civil Hospital Sangrur vide letter no.Med.B/25/9844-47, dated 16/10/25. Today board of doctors

CRM-M-20174-2025 (O&M), CRM-M-20355-2025 (O&M),
CRM-M-22093-2025 (O&M) AND CRM-M-53671-2025 (O&M)

*examined Jagtar Singh Kari @ Jagtar Singh vs State of Punjab (CRM-M-53671-2025) son of Pritam Singh. He is a case of right tibia fracture operated 27 years back. X-ray examination shows implant in situ, with united fracture with superficial chronic ulcer on lateral malleous (10*10). Ankle fixed in planter flexion. He is walking with limp. He needs regular dressing for wound and antibiotics. No operation needed at this stage.”*

9.2. Perusal of aforesaid report shows that the petitioner has a history of right tibia fracture which was operated upon nearly 27 years ago, with the implant in situ and the fracture already united. The only present complaint is a superficial chronic ulcer requiring routine dressing and antibiotics. The Board has categorically opined that *no surgical intervention is required at this stage*, and the petitioner is otherwise ambulatory, though with a limp. Thus, the medical condition of the petitioner is neither serious nor life-threatening, and all necessary treatment can be adequately provided within the jail premises.

9.3. Hence, keeping in view the entirety of the factual *milieu* of the case in hand; especially the contraband alleged to be recovered being 710 Kg Poppy Husk and the antecedents of the petitioner(s), which reflect other FIR(s) against the petitioner(s)-Gurjeet Singh @ Bhura Fauji and Satguru Singh; the petition(s) in hand deserve to be dismissed.

10. Ordered accordingly.

11. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

CRM-M-20174-2025 (O&M), CRM-M-20355-2025 (O&M),
CRM-M-22093-2025 (O&M) AND CRM-M-53671-2025 (O&M)

12. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

November 28, 2025
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No