



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-24340-2024 (O&M)
Date of decision: 07.07.2025

Gagandeep Singh @ Gagan
... Petitioner
Versus
State of Punjab
... Respondents

CORAM: HON’BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Narinder S. Luchky, Advocate,
for the petitioner.
Mr. Manjinder S. Bhullar, DAG, Punjab.

SANJAY VASHISTH, J. (ORAL)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Gagandeep Singh @ Gagan	74	31.05.2023	22 (29 added lateron) of NDPS Act	Bulalowal	Hoshiarpur

2. Learned counsel submits that petitioner was arrested on 31.05.2023, and from the bag thrown by him 800 tablets of Tramadol Hydrochloride, weighing 278 grams, were recovered. Thus, he argues that recovered contraband/drugs is only 28 grams more than the maximum limit of non-commercial quantity, i.e. 250 grams. Further, petitioner was never



found to be involved in any other similar activity. Referring the total incarceration of about 22 months, and there being no material progress in the trial, he contends that petitioner deserves the concession of bail.

3. In compliance to the order dated 28.05.2025, passed by a coordinate Bench, learned Deputy Advocate General, Punjab, has filed short reply by way of affidavit of Deputy Superintendent of Police, Sub-Division Rural, District Hoshiarpur, along with the custody certificate dated 04.07.2025, which are taken on record. Registry to tag the same at appropriate place.

4. While opposing the prayer for bail, Mr. Bhullar, learned Deputy Advocate General, Punjab, submits that petitioner has suffered the total incarceration for a period of 01 year and 07 months as on date. However, he confirmed the fact that petitioner was not found to be involved in any other case of similar nature. Other factual positions are also accepted by him.

On being asked by the Court, he submits that out of total 12 prosecution witnesses, only 2 have been examined. The proceedings were delayed as the other co-accused were declared Proclaimed Offenders, however, the proceedings were re-started.

5. Taking note of all the factual submissions addressed by counsel for the petitioner and learned Deputy Advocate General, Punjab, as well as the total incarceration period reflected in the custody certificate (as mentioned hereabove), and considering that the petitioner is not found to be involved in any other similar case, I deem it appropriate to consider the question of granting liberty to the petitioner.



6. Accordingly, the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

7. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

8. The observation made hereinabove shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

(Sanjay Vashisth)
Judge

07.07.2025
Rajan

Whether speaking / reasoned:	Yes/No
Whether Reportable:	Yes/No