



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

CRM-M-23600-2025

Date of Decision:19.08.2025

Gagandeep Singh @ Jarmanjit Singh @ Bhola

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Vikram Satpal Anand, Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 483 of B.N.S.S with a prayer to grant regular bail to him in case FIR No. 70, dated 28.07.2019, registered under Sections 21/27-A,29,61,85 of NDPS Act, Police Station Special Task Force, Phase IV Mohali, District STF Wing (Annexure P-1).

2. Learned counsel for the petitioner contends that as per the case of the prosecution, Balwinder Singh @ Billa and Ranjit Singh were apprehended by the police while they were carrying 01 Kg of heroin in their car and on their disclosure statement, an amount of Rs.1.2 crore was also recovered as drug money. Learned counsel further contends that in fact, the petitioner and his brothers are farmers and the money was paid by the sugarcane factories to the farmers and has been wrongly shown as “drug money” by the police. He further contends that the petitioner was arrested in the present case on 31.01.2021 and he is in custody for the last more than 04 years and 07 months. Further, out of

total 29 witnesses, 25 witnesses have been examined so far and there are no chances of tampering with the prosecution evidence.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that five more cases were ordered to be registered against the petitioner, however, he admits that co-accused Balwinder Singh has been granted the concession of bail by this Court.

4. I have heard the learned counsel for the parties and perused the record carefully.

5. It has been held by the Hon'ble Supreme Court in the matter of **“Dheeraj Kumar Shukla Vs. State of Uttar Pradesh”**, as follows:-

“2. The allegations are that on a secret information, the police authorities intercepted two vehicles on 23.06.2020 i.e. one 'Gray' coloured 'Honda City' car and the second 'White' coloured 'Swift Dzire' car. On an interrogation at the spot, Praveen Maurya @ Puneet Maurya, Rishab Kumar Maurya and Dheeraj Kumar Shukla were found to be occupants of the 'Honda City' car whereas the petitioner was driving the 'Swift Dzire' car. On taking a search, more than 92 kgs. Ganja was allegedly recovered from 'Honda City' car where as more than 65 kgs. Ganja was recovered from 'Swift Dzire' Car. The accused were arrested at the spot. The petitioner is, thus, in custody since 24.06.2020.

3. It appears that some of the occupants of the 'Honda City' Car including Praveen Maurya @ Puneet Maurya have since been released on regular bail. It is true that the quantity recovered from the petitioner is commercial in nature and the provisions of Section 37 of the Act may ordinarily be attracted. However, in the absence of criminal antecedents and the fact that the petitioner is in custody for the last two and a half years, we are satisfied that the conditions of Section 37 of the Act can be dispensed with at this stage, more so when the trial is yet to commence though the

charges have been framed.

4. *For the reasons stated above but without expressing any views on the merits of the case, the petitioner is directed to be released on bail subject to his furnishing bail bonds to the satisfaction of the trial Court.”*

6. In the present case, the petitioner has already undergone the custody of 04 years and 07 months as an undertrial prisoner. No doubt, the allegations levelled against the present petitioner, but the petitioner can never be confined in jail for an indefinite period as an undertrial prisoner as it would be violation of his right under Article 21 of the Constitution of India. Moreover, most of the material witnesses have been examined by the Trial Court and petitioner is not in a position to tamper with the prosecution evidence.

7. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate subject to the following conditions:-

(i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.

(ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.

(iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.

(iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.

(v) The petitioner shall also file his affidavit before the concerned

Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.

(vi) In case, the petitioner is involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.

(vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.

(viii) The petitioner shall report on every 1st Monday of English calender month to the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the Rojnamcha.

8. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

19.08.2025
hitesh

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No