

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

251

CRM-M-26095-2024 (O&M)
Date of Decision:- 20.03.2025

GURJANT SINGH @ GURJANT JANTA @ JANTI

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Amitabh Tewari, Advocate for the petitioner.
Mr. Ankit Grewal, DAG Punjab.

SANJIV BERRY, J. (ORAL)

CRM-4574-2025

For the reasons stated in the application, same is allowed.

Annexures A-1 to A-3 are taken on record subject to all just exceptions.

CRM-M-26095-2024

The instant petition has been preferred by the petitioner under
Section 439 CrPC for grant of regular bail to the petitioner in the following
case :-

FIR No.	Dated	Sections	Police Station
215	21.11.2023	21(c), 29, 27-A NDPS Act	Dinanagar, District Gurdaspur, Punjab



2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He submits that no recovery has been effected from the petitioner and he was arrested on 09.04.2024 i.e. almost after five months of registration of the FIR. He contends that the petitioner was not named in the FIR and his name surfaced in the disclosure statement of co-accused Gagandeep Singh and Lakhbir Singh from whom the alleged recovery of 270 grams of heroin was effected. He submits that challan has already been presented in Court and only 02 out of 24 witnesses cited by the prosecution has been examined till date. Thus, the conclusion of trial will take sufficient long time. Hence, prays for grant of concession of bail to the petitioner.

3. *Per contra*, learned State counsel while referring to the short reply filed by the State has opposed the petition on the ground that the name of the petitioner has surfaced in the disclosure statement of co-accused from whom commercial quantity of contraband had been recovered. He has however not disputed regarding the factum of presentation of challan and stage of trial.

4. Heard learned counsel for the parties and perused the record.

5. After considering the rival contentions and perusing the record, it transpires that as per the case of prosecution on 21.11.2023, two persons were intercepted by the police party, who on seeing the police party got perplexed. On suspicion they were apprehended by the Police party and the driver of the car disclosed his name as Lakhbir Singh whereas the person sitting besides him mentioned his name as Gagandeep Singh. Upon search of



the car, 270 grams of heroin, one small weighing scale and ₹6,000/- was recovered from the dashboard of the car. Accordingly, they were arrested and during their disclosure statement, they nominated the present petitioner as the supplier of the contraband. The petitioner was thereafter arrested on 09.04.2024 and since then he is in judicial custody. Admittedly, no recovery has been effected from the petitioner and after the completion of investigation, challan has been presented in Court. As stated above, out of 24 witnesses cited by the prosecution, only 02 have been examined till date. The criminal liability, if any, of the petitioner, could only be determined after the conclusion of trial, which may take sufficient long time. In the circumstances, no purpose would be served by detaining the petitioner any longer.

6. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. It is further made clear that in case the petitioner is found involved in any case under NDPS Act, after his release on bail, it will be open for the prosecution to move an application for cancellation of his bail in accordance with law.

8. Any observation made above shall not be construed as opinion



of this Court on the merits of the case.

9. Pending miscellaneous application(s), if any, stands disposed of.

(SANJIV BERRY)
JUDGE

20.03.2025
S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No