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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-31302-2024(O&M)
Date of decision:-20.02.2025

GURNAM SINGH @ MAWI

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Priyanshu Kamra, Advocate for the petitioner.
Mr. Iqbal Preet Singh, AAG, Punjab.

SANJIV BERRY, J. (ORAL)

CRM-6239-2025

The intant application under Section 482 Cr.P.C is for placing
on record zimni orders of learned trial Court as Annexure P-6.

Application is allowed, subject to all just exceptions, Annexure
P-6 is taken on record.

CRM-M31302-2024

The instant petition has been preferred by the petitioner under
Section 439 of the Code of Criminal Procedure for grant of regular bail in
the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
224	22.09.2022	21 and 29 NDPS Act	Special Task Force, SAS Nagar, Mohali



2. Brief facts of the case are that on 22.09.2022 a secret information was received by the police to the effect that Gurnam Singh @ Mavi and his son Gulal Singh are dealing in heroin smuggling after bringing the same from across the border, and if they are searched out huge quantity of contraband will be recovered. Finding information reliable, Police registered FIR. During investigation, police apprehended Gurnam Singh and from his possession 2 kg of heroin was recovered.

3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the present case. He contends that the petitioner has no concern whatsoever with the alleged recovery and is in custody since 15.10.2022 and after completion of investigation challan has already been presented in Court, and conclusion of trial will take sufficient long time. Hence, prays for grant of regular bail to the petitioner.

4. *Per contra*, learned State counsel referring to the reply submitted by the State has opposed the bail petition by arguing that during course of investigation, petitioner was arrested and 2 kg of heroin was recovered from him which falls within the purview of commercial quantity and attracts Section 37 of the NDPS Act, as such, the petitioner is not entitled to the concession of bail. Hence prayed for dismissal of the regular bail petition.

5. After considering the rival contentions and perusing the record, it transpires during course of investigation, police had apprehended the petitioner and recovered 2 kg of heroin which falls within the purview of 'commercial quantity' and attracts bar under Section 37 of the NDPS Act.



Considering the nature and gravity of the offence, and also the fact that the recovered contraband falls within the purview of ‘commercial quantity’, attracting bar under Section 37 of the NDPS Act, no case is made out in favour of the petitioner for grant of regular bail at this stage, as a consequence, the petition is hereby dismissed.

6. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

20.02.2025
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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No