

**CRM-M-30677-2025****1****IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.****Sr. No.204****Case No. : CRM-M-30677-2025****Decided On : July 11, 2025**

Gurjinder Singh @ Gogi Petitioner
vs.
State of Punjab Respondent

CORAM : HON'BLE MRS. JUSTICE SUKHVINDER KAUR.

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Present : Mr. Karandeep Singh Sidhu, Advocate
for the petitioner.

Mr. P. S. Pandher, AAG, Punjab.

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SUKHVINDER KAUR, J. :

Prayer in the present petition, filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, is for grant of anticipatory bail to the petitioner in FIR No.45 dated 24.04.2025, under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as – NDPS Act) (Section 29 NDPS Act added later on), registered at Police Station Makhu, District Ferozepur.

The prosecution story, in brief, is that 82 grams of heroin and drug money of Rs.12,000/- was recovered from conscious possession of co-accused Kulwinder Kaur, who is wife of the present petitioner. Accordingly, she was arrested on the date of FIR itself i.e. 24.04.2025. However, vide order dated 23.05.2025, she was granted regular bail by Judge, Special Court, Ferozepur. During investigation, Kulwinder Kaur made disclosure statement before the police that the said recovered

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contraband belonged to her husband i.e. the present petitioner, who had purchased it from someone. Accordingly, the petitioner was nominated in the present case on the basis of said disclosure statement.

Learned counsel for the petitioner has contended that no recovery from the petitioner has been effected and his name cropped up only on the basis of disclosure statement of co-accused Kulwinder Kaur, which is not admissible in law. Even the alleged recovery effected from co-accused Kulwinder Kaur falls within the non-commercial quantity and she had already been granted bail vide order dated 23.05.2025, passed by Judge, Special Court, Ferozepur. Learned counsel further urged that custodial interrogation of the petitioner is not required for any purpose and he be granted concession of anticipatory bail.

Notice in this case was issued on 29.05.2025 for today and Status Report was called from the State, which has already been placed on record.

Learned State counsel has opposed the present bail petition and has contended that the allegations levelled against the petitioner are grave in nature as he is alleged to be supplier of contraband, recovery of which was effected from co-accused Kulwinder Kaur. So, his custodial interrogation is required to trace the origin of contraband and he does not deserve concession of anticipatory bail.

Heard.

Except statement of co-accused Kulwinder Kaur, no other material has come on record to connect the petitioner with the offence in the present case. Admittedly, no recovery has been effected from the petitioner



and even alleged recovery effected from co-accused Kulwinder Kaur falls within the non-commercial quantity, which does not attract rigors of Section 37 of the NDPS Act. As recovery in this case has already been effected, so custodial interrogation of the petitioner is not required for any purpose and nothing is to be recovered from him. So, no useful purpose would be served by sending the petitioner behind the bars.

Accordingly, without commenting on the merits of the case, the present petition is allowed. In the event of arrest, the petitioner is ordered to be released on bail, on furnishing bail/surety bonds, to the satisfaction of the Arresting Officer/Investigating Officer, subject to the conditions, as provided under Section 482(2) of BNSS. It will be open for the Investigating Officer to call the petitioner to join investigation, if so required, by issuing a written notice in this regard. The petitioner shall also abide by the conditions mentioned in Section 482(2) of the BNSS.

However, nothing observed herein above shall be construed to be an expression of opinion on the merits of the case. The observations recorded above are only for the purpose of deciding the present bail petition.

July 11, 2025
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(SUKHVINDER KAUR)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.