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

CRM-M-30894-2025 (O&M)

Date of decision : 03.07.2025

Gamdoor Singh @ Gama

....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Ms. Mandeep Kaur, Advocate for the petitioner.

Ms. Simran Gorla, A.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)**CRM-23177-2025**

Allowed as prayed for.

Main case

1. Present petition has been filed for grant of regular bail in case FIR No.0026 dated 08.04.2025, under Sections 21(b), 27 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Phool, Bathinda.

2. Succinctly the facts of the case are that the Police party while on patrolling on 08.04.2025 spotted two young men sitting on the drain track who were searching something in the transparent plastic bag, which they were carrying. On suspicion, the police party approached them and on asking they disclosed their names as Mangaljit Singh @ Deepu and Gamdoor Singh @ Gama (present petitioner). They were suspected to be carrying some contraband in the plastic bag and thus, search of the same was conducted. On conducting the search 5.50 grams of heroin was recovered from the same. They failed to produce any license regarding



possession of the same and hence, the FIR was registered and the petitioners were arrested on spot. The investigation commenced. The petitioner approached the Learned Judge, Special Court, Bathinda praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned Judge, Special Court, Bathinda vide order dated 14.05.2025. Aggrieved by the same, the petitioner is before this Court by way of filing of present petition for grant of bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. She submits that the alleged recovery has been effected from a public place, however, no independent witness was joined by the investigating agency. She submits that the compliance of Section 50 of NDPS Act, was mandatory, however, there is violation of the same as well. She submits that even otherwise the alleged recovery effected is marginally above the small quantity. She submits that though the petitioner is involved in 03 more cases, however, he is on bail in those cases. She submits that in the facts and circumstances of the case, the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by the counsel for the petitioner and submits that the recovery effected from the petitioner is 5.50 grams of heroin which is marginally above the small quantity. She has produced the custody certificate of the petitioner on record. She submits that investigation is already complete and challan has been presented, however, charges are yet to be framed.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner was arrested in the present case on

08.04.2025. The alleged recovery effected from the petitioner is 5.50 grams of heroin. As submitted before this Court, investigation is already complet and challan has also been presented. As per custody certificate, the petitioner is involved in 03 more cases, however, he is on bail in those cases.

6. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

03.07.2025
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(RAJESH BHARDWAJ)
JUDGE

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