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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-34694-2024
Date of decision:-01.04.2025

GURWINDER SINGH ALIAS LALLU
... Petitioner
Versus
STATE OF PUNJAB
... Respondent

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

Present:- Mr. T.P.Singh, Advocate for the petitioner.
 Mr.Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J. (ORAL)

Learned State counsel has filed status report by way of an affidavit dated 31.03.2025 of Deputy Superintendent of Police, Sub Division Attari, Amritsar (Rural) alongwith custody certificate dated 31.03.2025, the same are taken on record, copy thereof, have been supplied to the counsel opposite.

2. 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:-

FIR No.	Dated	Sections	Police Station
258	03.12.2023	21, 23, 29 of NDPS Act (25, 27 of Arms Act added later on)	Gharinda, District Amritsar Rural



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 was not named in the FIR but was nominated on the basis of disclosure statement of co-accused Mandeep Singh from whom recovery of contraband was effected and the petitioner has no concern whatsoever with the alleged recovery and is in custody since 14.01.2024. He contends that 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 search, recovery of 500 grams of heroin was effected from co-accused Gurpreet Singh, on whose disclosure statement one Mandeep Singh was nominated and from whom recovery of 300 gram of heroin was effected. Co-accused Mandeep Singh in his disclosure statement named the present petitioner to be involved in the smuggling of the contraband, consequently petitioner was arrested and recovery of one 32 bore pistol along with one live cartridge was effected from him. He contends that petitioner is involved in five other criminal cases, out of them three are registered under NDPS Act. He submits that the alleged recovered contraband in this case, falls within the purview of commercial quantity, which 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 that the instant FIR was registered by the police to the effect that while on patrolling police party saw one Activa bearing No.PB-02-EF-6169, which was stopped and during checking 500 grams intoxicant was recovered from co-accused Gurpreet Singh. During investigation, Gurpreet Singh disclosed name of Mandeep Singh and recovery of 300 gram of heroin was effected from him. During further investigation Co-accused Mandeep Singh in his disclosure statement named the present petitioner and disclosed that he had procured the alleged contraband from the petitioner. Consequently, petitioner was arrested and recovery of one 32 bore pistol along with one live cartridge was effected from him of which petitioner could not produce any valid license. The petitioner is also involved in five other criminal cases out of which three cases are registered under NDPS Act. The petitioner is in the habit of dealing in narcotics and the recovery effected in this case 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

01.04.2025

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