



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

CRM-M-32104-2025
Reserved on: 08.09.2025
Pronounced on: 29.09.2025

Gursimranjeet Singh @ Simar ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Chetan Sehgal, Advocate and
Ms. Diksha Sharma, Advocate for the petitioner.

Mr. Akshay Kumar, A.A.G., Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
11	17.05.2023	State Special Operation Cell, District Amritsar	21, 25, 27-A, 29 of NDPS Act (Section 25, 27 of Arms Act and 420, 467, 468, 471 IPC added later on)

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. Per paragraph 17 of the bail petition, the petitioner has no criminal antecedents.
3. The facts and allegations are taken from the status report dated 28-08-2025, filed by the Assistant Inspector General of Police, Amritsar. On 17-05-2023, based on secret information, the Police recovered Rs 2 lacs of drug money and ammunition from Robin Singh. During interrogation, the police recovered 1 kg of heroin and massive jewelry, ammunitions from Robin Singh, and Robin Singh also disclosed about the involvement of Harpal Singh, who was arrested and from whose possession, the police seized 600 grams of heroin. Robin Singh had also disclosed about other accused, including the petitioner; however, petitioner absconded, and arrest warrants were obtained against the petitioner. Based on such evidence and the confession before the police, the petitioner was arraigned as an accused.
4. Apprehending arrest, he filed for anticipatory bail from the Sessions Court, which denied him bail. Feeling aggrieved, he has invoked the concurrent jurisdiction of this Court under S. 482 BNSS, 2023.
5. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

6. The State’s counsel opposes bail and refers to the status report.
7. As per page 10 of the status report dated 28-08-2025, filed by the Assistant Inspector General of Police, Amritsar, the total weight of the heroin recovered from the co-accused is 1000 grams + 600 grams + 275 grams = 1875 grams.
8. Dealing in heroin more than 250 grams falls in commercial category, as such, any of the above-mentioned recoveries, on its own, would fall in the commercial category.
9. Dealing in 1875 grams of heroin in contravention of the NDPS Act, 1985, constitutes an offense under the following provisions and notifications:

Substance Name	Heroin/ Chitta/ Smack/ Brown Sugar/ Diacetylmorphine
Quantity detained	1875 Gram
Punishable U/s	S.21(c) of NDPS Act, 1985
Quantity type	Commercial
Drug Quantity in % to upper limit of Intermediate	750.00%

Drug's Small & Commercial Qty. suggested by Committee report	
Notification No. & date	Expert Committee Report dated 24.03.1995 & 23.08.2001 (Small and Commercial)

<i>Specified as small & Commercial in S.2(viia) & 2(xxiii) NDPS Act, 1985</i>		
Notification No. & dated	S.O.1055(E)	10/19/2001
Sr. No.	56	
Common Name (Name of Narcotic Drug and Psychotropic Substance (International non-proprietary name (INN)	Heroin	
Other non-proprietary name	*****	
Chemical Name	Diacetylmorphine	
Small Quantity	< 5 Gram	
Commercial Quantity	> 250 Gram	

Declared as punishable under NDPS Act and as per schedule defined in S.2(xi) & 2(xxiii) NDPS Act, 1985		
Notification No. & dated	S.(xvi)(d) NDPS Act, 1985 (61 of 1985), S.O.	11/14/1985

	821 (E)	
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Sr. No.	2(xvi)(d)
Common Name (Name of Narcotic Drug and Psychotropic Substance (International non-proprietary name (INN)	*****
Other non-proprietary name	*****
Chemical Name	2(xvi)(d) diacetylmorphine, that is, the alkaloid also known as dia-morphine or heroin and its salts; Explanation.-- For the purposes of clauses (v) (vi), (xv) and (xvi) the percentages in the case of liquid preparations shall be calculated on the basis that a preparation containing one per cent. of a substance means a preparation in which one gram of substance, if solid, or one mililitre of substance, if liquid, is contained in every one hundred mililitre of the preparation and so on in proportion for any greater or less percentage: Provided that the Central Government may, having regard to the developments in the field of methods of calculating percentages in liquid preparations prescribed, by rules, any other basis which it may deem appropriate for such calculation.

10. The quantity allegedly involved in this case is commercial. Given this, the rigors of S. 37 of the NDPS Act would apply.

11. In State of Haryana v. Samarth Kumar, 2022(3) R.C.R.(Criminal) 991, wherein the Hon’ble Supreme Court holds,

- [8]. In cases of this nature, the respondents may be able to take advantage of the decision in Tofan Singh v. State of Tamil Nadu (supra), perhaps at the time of arguing the regular bail application or at the time of final hearing after conclusion of the trial.
- [9]. To grant anticipatory bail in a case of this nature is not really warranted. Therefore, we are of the view that the High Court fell into an error in granting anticipatory bail to the respondents.

12. The quantity of heroin that was seized falls in the commercial category. Section 37¹ of the NDPS Act mandates under sub-section (1) (b) of section 37, that no person accused

¹ **37. Offences to be cognizable and non-bailable.**—(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974),—
(a) every offence punishable under this Act shall be cognizable;

of an offence punishable for offences involving commercial quantity shall be released on bail unless- (i) the Public Prosecutor has been given an opportunity to oppose the application of release, and (ii) where the Public Prosecutor opposes the application, the Court is satisfied that there are reasonable grounds for believing that accused is not guilty of such offence and is not likely to commit any offence while on bail. Thus, the rigors of S. 37 of the NDPS Act apply in the present case, and the burden is on the petitioner to satisfy the twin conditions put in place by the Legislature under Section 37 of the NDPS Act. Given the legislative mandate of S. 37 of the NDPS Act, the Court can release a person accused of an offence punishable under the NDPS Act for possessing a commercial quantity of contraband only after recording reasonable satisfaction of its rigors.

13. The State's counsel argues that a plain reading of Section 37 reveals that the legislature intends to make the law stringent to curb the drug menace. It is further to be noticed that the provisions are couched in negative language, meaning that to grant bail, the Court needs to record a finding that there are reasonable grounds for believing that the petitioner is not guilty of the offense. The burden of proof is also on the petitioner to satisfy the Court about his non-involvement in the case. While interpreting the provisions of Section 37 of the NDPS Act, the Court must be guided by the objective sought to be achieved by putting these stringent conditions.

14. Satisfying the fetters of S. 37 of the NDPS Act is candling the infertile eggs. The stringent conditions of section 37 placed in the statute by the legislature do not create a bar for bail for specified categories, including the commercial quantity; however, it creates hurdles by placing a reverse burden on the accused, and once crossed, the rigors no more exist, and the factors for bail become similar to the bail petitions under general penal statutes like IPC. Thus, both the twin conditions need to be satisfied before a person accused of possessing a commercial quantity of drugs or psychotropic substance is to be released on bail. The first condition is to provide an opportunity to the Public Prosecutor, enabling them to take a stand on the bail application. The second stipulation is that the Court must be satisfied that reasonable grounds exist for believing that the accused is not guilty of such an offense and is not likely to commit any offense while on bail. If either of these conditions is not met, the ban on granting bail operates. The expression "reasonable grounds" means something more than prima facie grounds. It contemplates substantial probable causes for believing the accused is not guilty of the alleged offense. Even on

(b) no person accused of an offence punishable for offences under section 19 or section 24 or section 27A and also for offences involving commercial quantity shall be released on bail or on his own bond unless—
(i) the Public Prosecutor has been given an opportunity to oppose the application for such release, and (ii) where the Public Prosecutor opposes the application, the court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail.

(2) The limitations on granting of bail specified in clause (b) of sub-section (1) are in addition to the limitations under the Code of Criminal Procedure, 1973 (2 of 1974) or any other law for the time being in force on granting of bail.

fulfilling one of the conditions, the reasonable grounds for believing that the accused is not guilty of such an offense, the Court still cannot give a finding on the assurance that the accused is not likely to commit any such crime again. Thus, the grant or denial of bail for possessing commercial quantity would vary from case to case, depending upon its facts, and the parameters for anticipatory bail are stringent compared to the regular bail when the accused is in judicial custody.

15. It shall be relevant to refer to the detailed investigation, which has been mentioned in paragraph 17 of the status report dated 28-08-2025, filed by the Assistant Inspector General of Police, Amritsar, which reads as follows:

“A. Call Details

- *That during investigation it was revealed that petitioner was using No. 8070918000.*
- *Both co accused Robin Singh and Varinder Singh used numbers 7814717435 and 7719433313 and Harpal Singh used No. 6280903611. That total 37 calls were found to be connected with accused persons on the basis of technical analysis of CDR by Petitioner.*

8070918000	6280903611	30/Apr/2023	05:27:09	14	CALL_IN
8070918000	7719433313	26/Sep/2022	12:39:22	36	CALL_IN
8070918000	7719433313	14/Oct/2022	00:21:14	69	CALL_OUT
8070918000	7719433313	26/Dec/2022	18:11:28	21	CALL_IN
8070918000	7719433313	26/Dec/2022	18:12:35	20	CALL_OUT
8070918000	7719433313	27/Dec/2022	17:22:52	16	CALL_OUT
8070918000	7719433313	27/Dec/2022	17:36:45	38	CALL_IN
8070918000	7719433313	28/Dec/2022	07:21:35	32	CALL_OUT
8070918000	7719433313	29/Jan/2023	20:35:48	154	CALL_IN
8070918000	7719433313	23/Feb/2023	00:48:00	43	CALL_IN
8070918000	7719433313	23/Feb/2023	00:54:56	12	CALL_OUT
8070918000	7719433313	24/Feb/2023	20:55:41	31	CALL_IN
8070918000	7719433313	08/Mar/2023	01:20:55	46	CALL_IN
8070918000	7719433313	08/Mar/2023	02:18:22	32	CALL_OUT
8070918000	7719433313	08/Mar/2023	02:29:03	91	CALL_IN

8070918000	7719433313	08/Mar/2023	03:34:43	33	CALL_IN
8070918000	7719433313	13/Mar/2023	00:53:47	16	CALL_IN
8070918000	7719433313	19/Mar/2023	01:50:48	38	CALL_OUT
8070918000	7719433313	19/Mar/2023	02:06:20	22	CALL_OUT
8070918000	7719433313	21/Mar/2023	15:22:22	67	CALL_OUT
8070918000	7719433313	21/Mar/2023	17:01:50	18	CALL_OUT
8070918000	7719433313	21/Mar/2023	19:38:38	103	CALL_OUT
8070918000	7719433313	21/Mar/2023	19:51:00	41	CALL_OUT
8070918000	7719433313	21/Mar/2023	19:57:18	45	CALL_IN
8070918000	7719433313	21/Mar/2023	19:58:11	10	CALL_OUT
8070918000	7719433313	21/Mar/2023	22:44:22	9	CALL_OUT
8070918000	7719433313	23/Mar/2023	00:03:21	37	CALL_IN
8070918000	7719433313	23/Apr/2023	09:45:49	21	CALL_IN
8070918000	7719433313	29/Apr/2023	20:16:31	18	CALL_IN
8070918000	7719433313	30/Apr/2023	02:38:34	20	CALL_IN
8070918000	7719433313	14/May/2023	18:06:16	78	CALL_IN
8070918000	7719433313	14/May/2023	18:07:45	41	CALL_OUT
8070918000	7719433313	14/May/2023	18:31:45	8	CALL_OUT
8070918000	7719433313	14/May/2023	21:05:41	33	CALL_OUT
8070918000	7719433313	14/May/2023	21:36:46	89	CALL_OUT
8070918000	7719433313	14/May/2023	22:01:31	41	CALL_OUT
8070918000	7719433313	14/May/2023	05:27:12	0	SMS_OUT

B. Regarding Financial Transaction

- That during investigation petitioner produced account statement of his HDFC Account No. 50100376871046. During analysis an amount of Rs. 3.50 Lakh was found to be deposited in the account of petitioner on 22.11.2022. Moreover, some UPI transections were found to be deposited in said HDFC Bank account. On questioning petitioner could not be able to clarify the UPI payments and Rs. 3.50 Lakh.

C. Tower Location

There is total 36 meeting points/tower location of petitioner Gursimranjit Singh alongwith Robin and Varinder and Harpal. It is pertinent to mention here that on 17.05.2023, petitioner Gursimranjit Singh was also present nearby the area from where the prime accused Robin Singh was arrested.

D. Connection with the co accused

The connectivity of the Petitioner Gursimranjeet Singh (mobile No. 8070918000) stands, established with co accused Robin Singh, Varinder Goldy (mob No. 7814717435, 7719433313) and Harpal Singh alias Bhalla (mob No. 6280903611) on the basis of technical analysis of CDR.

- *From inside jail accused Bikramjit Singh was operating through arrested accused Robin Singh and co accused persons Robin Singh and petitioner used to received consignment of heroin from different parties on instructions of accused Bikramjit Singh and further supply the same to different parties through other arrested accused and petitioner.*
- *That during technical analysis of mobile phone of arrested accused Robin. numbers +351965033927, +13023357693 used by co accused Bikramjit Singh, were found to be saved. Moreover, suspicious voice messages sent by Bikramjit Singh were also retrieved.*

Thereafter, voice comparison analysis of the Bikramjit Singh with retrieved audio messages was got conducted at FSL S.A.S Nagar on 23.11.2023, with the directions of the Ld' Trial Court orders passed on 19.10.2023. The analysis comparison report in this regard was received from the office of FSL which matched with the voice of arrested accused Bikramjit Singh

It is pertinent to mention here that on 20.05.2023, the jail authority recovered mobile phones from the accused Bikramjit Singh alias and other inmates in Central Jail Amritsar premises during search. A case FIR No. 176 dated 20.05.2023 u/s 52-A, 42 Prison Act, PS Islamabad, Amritsar was registered in this regard. On 19.09.2023, during the course of trial of the case FIR No. 176/2023 of Police Station Islamabad Amritsar, accused Bikramjit Singh confessed his guilt in the trial court and held guilty under Section 42, 52-A of Prison Act by the Hon'ble Court of Sh. Gurdarshan Singh, JMIC-Amritsar. The details of recovery made from the arrested accused is as under;

<i>S. No.</i>	<i>Accused</i>	<i>Recovery</i>
<i>1.</i>	<i>Robin Singh</i>	<i>01 Kgs of Heroin, 02 electronic scales, 01 Pistol of .45 bore alongwith Magazine and 26 live cartridges, I Phone 14 pro and I Phone 14 pro max, 580 Gms Gold Jewelry, Rs. 05 Lakh drug money, Currency notes counting machine, Safe/Locker Fortuner Car No. PB 02 EL 1905</i>
<i>2.</i>	<i>Harpal Singh</i>	<i>600 Gms of Heroin with Vehicle and 01 Mobile Phone Samsung</i>
<i>3.</i>	<i>Varinder Singh alias Goldy</i>	<i>01 Magazine of 45 Bore, 04 live cartridges, Activa Honda, Samsung feature phone and Vivo</i>

		<i>phone, Electronic Scale, 02 Register pertains record of heroin smuggling and drug money.</i>
4.	<i>Rahul Nayak</i>	<i>Rs. 07 Lakh of Drug Money, Dongle, I-Phone 12, 04 SIM Cards.</i>
5.	<i>Nirmal Singh alias Nimma</i>	<i>275 Gms Heroin, 10 Live Cartridges .30 Bore with Vehicle, I Phone 11.</i>
6.	<i>Gurlal Singh</i>	<i>I Phone 16 Pro Max and Samsung Galaxy</i>
7.	<i>Bikramjit Singh</i>	<i>Arrested on production warrant</i>
8.	<i>Arshdeep Singh</i>	<i>Arrested on production warrant</i>

E. Evidence from the Social media Connections

- *It is further submitted that petitioner did not produce his mobile phones. Petitioner revealed his social media Instagram Id simar.chahal 46. during analysis of the same id, suspicious chats were found to be saved, which reveals and established petitioner's links with co accused Robin Singh. During questioning, petitioner did not clarify about this conversation.”*

16. A reference to calls point towards usage of international numbers. The petitioner, allegedly in cohorts with his accomplices, and probably with the cross-border drug mafia, which is subject to the investigation if required by the Investigator, dealt with a massive quantity of heroin. When a drug mafia has cross-border links, gathering information through investigation across the border becomes almost impossible. Additionally, when evidence points to a cross-border drug mafia, the Court must be cautious to ensure that granting bail for a commercial quantity of drugs does not impair or affect India's sovereignty.

17. The quantity involved is commercial, and the burden to satisfy the rigor of condition of Section 37 of the NDPS Act was on the petitioner, which he did not discharge to the satisfaction of the statutory requirements. The investigation reveals sufficient prima facie evidence to connect the petitioner with the crime; thus, the petitioner fails to make out a case for anticipatory bail. Any detailed discussions about the evidence may prejudice the case of the petitioner, the State, or the other accused.

18. The petitioner’s Counsel made the following submissions:

A. CALL DETAILS

- *The CDR period shown is around one year, yet only 37 calls are reflected.*
- *No call is with the prime accused Robin Singh.*
- *The calls attached by police are only with Varinder Goldy and once with Harpal Singh.*

- *Petitioner has already explained that he knows them casually as they are from the same nearby area and used to play sports cricket and swimming together in groups in the village and Tarn Taran side even to the IO.*
- *Beyond this casual connection, petitioner has no knowledge of their personal dealings, and the police story is based purely on presumptions.*

B. FINANCIAL TRANSACTIONS

- *The alleged Rs. 3.5 lakh amount of the petitioner was with regard to Sale of ancestral Land by the petitioner and same was deposited long before registration of the case, date of deposit is 22.11.2022 and same was conveyed to the IO of Present Case.*
- *When police asked, petitioner himself immediately provided complete bank statements to the IO.*
- *If there was any suspicious entry of UPI, the police could have pointed it out, but no such suspicious transaction has been shown in the status report.*
- *No nexus is established between these savings and any drug money or contraband activity.*

C. TOWER LOCATION

- *Tower location of a public area like Ranjit Avenue market cannot be considered incriminating.*
- *The report does not specify when or where petitioner allegedly met with any accused.*
- *There are 8 other accused, but nothing specific is attributed to petitioner.*

D. CONNECTION WITH CO-ACCUSED

- *Mere acquaintance with a person cannot make someone accused of crime even petitioner has no link with the Bikramjit Singh @ Bikka. But in the status report police mentioning the role of accused Bikramjit Singh Bikka allegedly operating from jail with secret voice messages.*
- *Even if such secret voice messages are recovered, nowhere do they contain the name of the petitioner, as he has nothing to do with Bikramjit Singh. Petitioner has never been confined in jail nor is involved in any other case.*
- *This shows police is merely cooking up concocted stories to falsely implicate him.*

E. EVIDENCE FROM LOCAL PEOPLE

- *Police claim no one from vicinity joined inquiry is false.*
- *In fact, many reputed persons went to the police station and clarified petitioner is innocent, hardworking, and falsely implicated.*
- *They even pointed that petitioner lost his parents and earns livelihood daily with honesty.*

F. SOCIAL MEDIA CONNECTIONS

- *Police again try to rope in petitioner by citing old chats of 2021-2022, which are 2-3 years prior to registration of case.*
- *Even those chats merely show a dispute in village where someone asked for Robin Singh's number-nothing incriminating.*
- *Petitioner voluntarily handed over his mobile and fully cooperated with IO. No adverse material was recovered.*

19. An analysis of apparently pains taking and elaborate investigation and the evidence mentioned in the status report and more particularly in paragraph 17 explicitly points of the petitioner's involvement and complicity. There are massive calls which are corroborated by tower locations, and also the social media evidence. All this digital evidence is legally admissible, subject to proof in accordance with the law.

20. The learned Special Judge, while dismissing the anticipatory bail of the petitioner, has given elaborative reasons and considered almost every aspect.

21. The grounds in the bail petition do not shift the burden the legislature places on the accused under S. 37 of the NDPS Act. The petitioner has not stated anything in the bail petition to discharge the burden put by the stringent conditions placed in the statute by the legislature under section 37 of the NDPS Act.

22. In *Jai Prakash Singh v. State of Bihar and another* (2012) 4 SCC 379, Hon'ble Supreme Court holds,

[19]. Parameters for grant of anticipatory bail in a serious offence are required to be satisfied and further while granting such relief, the court must record the reasons therefor. Anticipatory bail can be granted only in exceptional circumstances where the court is prima facie of the view that the applicant has falsely been enroled in the crime and would not misuse his liberty. [See *D.K. Ganesh Babu v. P.T. Manokaran* (2007) 4 SCC 434, *State of Maharashtra v. Mohd. Sajid Husain Mohd. S. Husain* (2008) 1 SCC 213 and *Union of India v. Padam Narain Aggarwal* (2008) 13 SCC 305].

23. A perusal of the bail petition and the documents attached prima facie points towards the petitioner's involvement and does not make out a case for bail. The impact of crime would also not justify bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.

24. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

25. **Petition dismissed.** Interim orders are recalled with immediate effect. All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

29.09.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: YES.