

[205] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34128-2025
Date of Decision : 08.08.2025

Gurpreet Singh @ Gopi ...Petitioner
versus

State of PunjabRespondent

Coram : **HON'BLE MR. JUSTICE SURYA PARTAP SINGH**

Present: Mr. Jashandeep Singh Sandhu, Advocate
for the petitioner.

SURYA PARTAP SINGH, J. (ORAL)

1. The instant petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking regular bail in a case arising out of FIR No.32, dated 14.09.2023 registered at Police Station SSOC Amritsar District, Tarn Taran. The abovesaid FIR was initially registered under Sections 21, 23(C), 25, 29 of NDPS Act, 1985, however later on Sections 45, 52-A of the Prisoner Act have been added.

2. Notice of motion.

3. Since advance notice has already been served upon the State, Mr. K.D. Sachdeva, DAG, Punjab, accepts notice on behalf of the respondent and waives service.

4. According to Police, the FIR of this case stated to be in view of a secret information received by Inspector Sukhbir, who was heading a patrolling party comprising of several police officials.

5. According to Informer, a famous smuggler of Pakistan namely Rustam in connivance with Pakistan security agency was involved in the smuggling of *heroin* at large scale in the neighbouring areas of India-Pakistan Border at that a large quantity of *heroin* had been sent through drone. According to the Informer, Gurmeet Singh son of Dhian Singh and Angrej Singh son of Jagir Singh were the members of local network of above named smuggler and that a large consignment was sent by Rustam on previous date and the same has been received by Gurmeet Singh and Angrej Singh. The informer had further informed that above named Gurmeet Singh, Angrej Singh along with their another companion Balwinder Singh had assembled for a deal of the sale of smuggled *herion* near Chunga turn.

6. It is a case of the prosecution that in view of the above mentioned information, a raiding party was constituted and the above named three accused, namely Gurmeet Singh, Angrej Singh and Balwinder Singh nabbed, who on interrogation spilled the beans and disclosed the name of their other companions involved in the smuggling and sale of *heroin*. Accordingly to prosecution, petitioner is also one of the same.

7. Learned counsel for the petitioner contends that name of the petitioner does not appear in the FIR and he was not apprehended on the spot. According to learned counsel for the petitioner he has been implicated in this case on the basis of disclosure statement of co-accused and that he is in custody in this case for a period of more than one year and nine months.

8. *Per contra*, learned counsel for the State argues that the offence committed by the petitioner is serious in nature and release of the petitioner

may be detrimental to the outcome of the trial. However, the learned State counsel has not opted to file any reply as the advance notice has already been served upon the Respondent–State.

9. In my opinion, for the decision of present bail application, following are the relevant factors which need consideration: -

- (a) that the petitioner/accused is already in custody for more than one year and nine months;
- (b) that name of the petitioner has surfaced in the disclosure statement of co-accused;
- (c) that co-accused of the petitioner namely Satinderpal Singh, Gurlal Singh and Dara Singh have already been granted the concession of regular bail;
- (d) that the case of the petitioner is also on the same footing as that of his above named co-accused.
- (e) that the investigation in the present case is already complete;
- (f) that the trial is not likely to be concluded in near future.

10. If the cumulative effect of all the above mentioned factors, involved in the instant case, is taken into consideration, the petitioner is entitled for the benefit of bail.

11. Accordingly, the present petition is hereby allowed and the petitioner is admitted to bail subject to his furnishing bail bonds to the satisfaction of learned trial Court concerned. If on the given day the concerned Court is not available, the learned Sessions Judge would be at liberty to assign the abovesaid case, for the abovesaid purpose, to any other Court.

12. It is however made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

(SURYA PARTAP SINGH)
JUDGE

08.08.2025
'R. Sharma'

<i>Whether speaking/ reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>