



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

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**CRM-M No.33865 of 2025
Date of decision : 8.7.2025**

Gurwinder Singh @ Ginda**.....Petitioner****Versus****State of Punjab****.....Respondent****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. APS Rehan, Advocate, for the petitioner

Mr. Durgesh Garg, AAG, Punjab

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.21 dated 17.5.2025 under Sections 21 and 27-A of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sri Kartarpur Sahib Corridor, District Gurdaspur.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'Officer In-charge, P.S. Kartarpur Sahib Corridor, Sat Shri Akal, today I ASI along with ASI Baldev Singh 3244, SR/CT Harpreet Singh 2319/Batala and PHG Jatinder Singh 2373 were carrying a laptop with us and were patrolling in a government vehicle in connection with search of bad persons and suspicious vehicles and were going from Police Station towards village Haruwal, Agwan, Bhagthana Kullian etc. and when the police party had reached about 500 meters on the link road leading



towards village Bhagthana Kullian from Gurdaspur road a person was seen who got nervous on watching the police vehicle and while turning backward he took out something wrapped in a transparent glazed envelop from the right pocket of his trouser and while he was throwing the same, he was caught hold of by me ASI with the help of other officials on the basis of suspicion and he was asked about his name and address etc. to which he replied that his name is Gurvinder Singh alias Ginda son of Manjit Singh, resident of village Haruwal, PS Kartarpur Sahib Corridor. I ASI while disclosing my identity and rank to him and told him that there is suspicion of some intoxicating substance in his possession therefore his search is to be conducted but he has got a legal right to get his search conducted in presence of a gazetted officer or a magistrate at the spot but above mentioned Gurvinder Singh alias Ginda replied that he has full faith in me and I can conduct his search. On this his consent memo was prepared as per procedure which was signed by the witnesses and accused Gurvinder Singh alias Ginda in Punjabi language. Before conducting the search of the glazed envelop efforts were made to join a member of the public to the search proceedings but every body from the public expressed helplessness to become witness. Hence, I ASI in presence of other officials conducted search of the transparent glazed envelop and opened the same and upon sniffing the same, the same was found to contain heroin. The weight of the recovered heroin was conducted with the help of electronic weighing machine laying in the investigation kit and weight of the recovered heroin was 07 grams alongwith the weight of the polythene bag containing the same. Thereafter personal search of above mentioned Gurvinder Singh alias Ginda was conducted and an amount of Rs 680/- was recovered from the right pocket of his trouser. Videography of the search proceedings was conducted under section 105 of BNSS on e-shakshya app. Upon asking Gurvinder Singh alias Ginda replied that the recovered money is the sale proceed of the heroin sold by him. The recovered heroin alongwith the polythene bag were put in a plastic box and a parcel of the same was prepared with a piece of cloth which was stamped by me with my stamp 'NK' and the recovered currency notes of Rs. 680/-were put in an envelop and parcel of the same was prepared which was also stamped by me with my stamp 'NK'. The sample stamp was prepared separately. The sample stamp was handed over to ASI Baldev Singh 3244 after use. The recovered heroin was taken into police



possession through a separate recovery memo. The memos were signed by the witnesses. Accused Gurvinder Singh alias Ginda has committed offence punishable under section 21-27A-61-85 of NDPS Act by keeping 07 grams and drug money of Rs. 680/- in his possession. A ruqa has been written with the help of laptop and after taking a printout same has been sent to Police Station by hand PHG Jitender Singh 2073 for registration of a case. A case be registered and its number be intimated. Special reports be issued to senior officers. Intimation be given to control room through wireless. I ASI and other officials are conducting investigation at the spot. Sd./-Naresh Kumar ASI, PS Kartarpur Sahib corridor. Dated 11.05.2025.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 17.5.2025. Learned counsel has further submitted that the matter is still under investigation and completion thereof as also trial emanating from the said challan (if the cause so arise) will take long time. Learned counsel for the petitioner has further submitted that, assuming *arguendo*, the prosecution version is taken to be correct, the recovery is only 7 grams of heroin and ₹680/-, which is alleged to be drug money. Learned counsel has further argued that the petitioner is a man of 46 years of age and is the only bread earner of the family with clean antecedents. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 7.7.2025 in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.



6. The petitioner was arrested on 17.5.2025. The prime allegation against the petitioner pertains to recovery of 7 grams of heroin and ₹680/- alleged to be drug money. The rival contention raised by learned counsel for the parties give rise to debatable issues which shall essentially be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence. As per custody certificate dated 7.7.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of one month and nineteen days & is not shown to be involved in any other case.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.



- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.
9. Ordered accordingly.
10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

8.7.2025
Ashwani

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