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IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

CRM-M-37456-2024  
Date of decision:-10.02.2025

GURSEWAK SINGH ALIAS SEWAK  
... Petitioner  
Versus  
STATE OF PUNJAB  
... Respondent

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

Present:- Mr. Vikas Gupta, Advocate for the petitioner.  
Mr. Jatinder Pal Singh, Sr. DAG, Punjab.

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SANJIV BERRY, J.(ORAL)

The instant petition has been preferred by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita 2023 (BNSS), for grant of regular bail in the following case (Annexure P-1):-

| FIR No. | Dated      | Sections              | Police Station               |
|---------|------------|-----------------------|------------------------------|
| 176     | 05.12.2023 | 21-C, 29 of NDPS, Act | Sarhali, District Tarn Taran |

2. Arguments heard.
3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case while being traveling in car driven by co-accused Angrej Singh. He contends that the petitioner has no concern with him as he was sitting on the rear seat of the vehicle and the contraband allegedly was recovered from the dash board of the car with which the petitioner has no concern. He contends that even otherwise the recovery effected from the dash board of the car is



marginally higher than the non commercial quantity with which the petitioner has no concern at all as he was neither the driver of the car nor owner of the said vehicle. He contends that the petitioner is not having any criminal antecedents and is in custody since 05.12.2023, after completion of investigation challan has already been presented in Court, wherein prosecution has cited 14 witnesses and till date none of them have been examined. Hence prayed for grant of concession of regular bail to the petitioner.

4. *Per contra*, learned State counsel referring to the reply submitted by the State, has assailed these arguments by submitting that 270 grams of heroin was recovered from dash board of the car in which petitioner was sitting, as such, he does not deserve concession of bail. However, he has not denied the fact that challan has been presented for trial in which prosecution has cited 14 witnesses and till date none of them have been examined in the trial Court.

5. After considering the rival contentions and perusing the record, it transpires that the petitioner is in custody since 05.12.2023 and after completion of investigation, challan has already been presented in Court wherein prosecution has cited 14 witnesses and till date none of them have been examined in the learned trial Court. Therefore, keeping in view the assertion made by learned counsel for the petitioner (*supra*) and also the fact that the conclusion of trial to ascertain criminal liability, if any will take sufficient long time, no purpose would be served by detaining the petitioner any longer.



6. Resultantly, in these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.
7. It is further made clear that in case the petitioner is found involved in any case under NDPS Act, after his release on bail, it will be open for the prosecution to move an application for cancellation of his bail in accordance with law.
8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.
9. Pending application(s) if any shall also stand disposed of.

(SANJIV BERRY)  
JUDGE

10.02.2025  
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|-----|----------------------------|--------|
| i)  | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable?        | Yes/No |