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

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CRM-M-39463-2024 (O&M)
Date of decision: 04.04.2025

Gurbhej Singh @ Sajan**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Rajiv Kumar Saini, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in case bearing FIR No. 129 dated 29.07.2023, registered under Sections 21, 22, 23 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) and Sections 25 and 27 of the Arms Act, 1959 at Police Station Gharinda, District Amritsar.

2. Brief facts of the case relevant for the disposal of the present petition are that on 29.07.2023, the petitioner along with co-accused Dharminder Singh, while coming in a car bearing registration number PB-02-BQ-0179, was apprehended by the police party. On conducting their personal search, recovery of one .32 bore pistol and 310 grams of heroin was effected from the present petitioner, whereas one .32 bore pistol and 265 grams of heroin were recovered from co-accused Dharminder Singh. Both of them were formally arrested at the spot. During search of the said car, recovery of 35 live cartridges of .32 bore and drug money of Rs. 1.5 Lakh was also effected. After completion of necessary investigation and usual formalities, *challan* was presented before the Court and

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presently, the petitioner along with the co-accused is facing trial for commission of aforementioned offences. He had moved an application before the trial Court for grant of regular bail but the same had been dismissed, vide order dated 14.11.2023.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. In fact, the aforesaid recovery of the contraband and pistol was planted upon the petitioner by picking him up from a Dhaba, which is clear from the CCTV footage of the relevant place. Even otherwise, investigation has since been completed and challan has been presented. The trial is likely to take time. The petitioner is in custody since 29.07.2023. No useful purpose would be served by keeping him in custody anymore. It is, therefore, urged that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State. It is submitted therein and learned State counsel has argued that the petitioner is not entitled to get benefit of bail as he along with co-accused was nabbed by the police party at the spot and 310 grams of heroin and one .32 bore pistol was recovered from him. The petitioner is involved in one more case under the NDPS Act. It is submitted that since a commercial quantity of the contraband has been recovered from the petitioner, the rigors of Section 37 of the NDPS Act would be attracted against him. Trial is going at a proper pace. It is also argued that if the petitioner is released on bail, he may abscond or indulge in the similar offences. It is, thus, argued that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

6. As per the allegations, the petitioner was apprehended by the police party on 29.07.2023 along with aforesaid co-accused and recovery of 310 grams

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of heroin and one .32 bore pistol was effected from him. The quantity of the recovered contraband falls under the commercial quantity. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted against the petitioner. He is also shown to be involved in one more case of similar nature, apart from one other case which has been registered against him under the provisions of the Arms Act. Although, the petitioner has placed on record certain photographs in order to establish that he was in fact picked from a Dhaba but these documents cannot be looked into by this Court at this stage while deciding a bail petition. The allegations against the petitioner are quite serious. The trial is going on and there is nothing on record to show that there would be any undue delay in conclusion of trial. The apprehension expressed by learned State counsel that the petitioner, if extended benefit of bail, may abscond or indulge in similar offences can also not be stated to be unfounded. Keeping in view the discussion as made above, the quantity of recovered contraband, the antecedents of the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, I am of the considered opinion that the petitioner does not deserve to be granted benefit of regular bail, at this stage. Hence, the petition is dismissed.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

04.04.2025

Wassem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No