



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**  
**232**

**CRM-M-36539-2025 (O&M)**  
**Date of decision: 17.07.2025**

Gurjant Singh  
.....Petitioner  
Versus  
State of Punjab  
.....Respondent

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

**Present:** Mr. Veneet Sharma, Advocate  
for the petitioner.  
  
Mr. Sandeep Kumar, DAG, Punjab.

**HARPREET SINGH BRAR J. (Oral)**

1. Prayer in this petition filed under Section 483 of the BNSS, 2023, is for grant of regular bail to the petitioner in FIR No.99 dated 18.05.2025 registered under Sections 10, 11 and 12 of the Air Craft Act, 1934 and Section 238 of BNS (earlier Section 201 IPC) at Police Station Lopoke, Amritsar Rural, District Amritsar.
2. As per the prosecution's case, the police received a secret information about illegal drone activities from India-Pakistan border. On 18.05.2025, a drone from Pakistan crashed into the house of Malkit Singh, who helped the police to recover it. Later on, Gurjant Singh @ Janta (petitioner herein), was arrested based on this secret information and he confessed that he had contact with a smuggler in Pakistan and had ordered the drone on 17.05.2025 and the drone accidentally crashed at Malkit Singh's house. The mobile phone used for these dealings was



damaged by Gurjant Singh. He also has a history of smuggling heroin from Pakistan, though his activities were limited due to the ongoing conflict between India and Pakistan. Hence, the impugned FIR was registered.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the FIR (supra). The falsity of the case set up by the prosecution is clearly discernible from the facts of the case as nothing has been recovered from the present petitioner and the investigating agency has failed to connect the petitioner with the drone, which was recovered from the house of one Malkit Singh, who is not even nominated as an accused. Further even if the allegations contained in the FIR (supra) are accepted as a gospel truth, then FIR (supra) cannot be registered as none of the alleged offences are cognizable, rendering the registration of FIR (supra) itself questionable.

4. Learned counsel for the petitioner further submits that the investigation is still pending and the trial is likely to take long time in conclusion.

5. *Per contra*, learned State counsel has filed custody certificate and status report by way of affidavit of Inderjit Singh, Deputy Superintendent of Police, Sub-Division Rajasansi, Amritsar, today in the Court which are taken on record and he opposes the prayer made by learned counsel for the petitioner on the ground that the petitioner is a habitual offender and involved in other cases also and further his



complicity is duly established, however, he could not controvert the fact that the investigation is going on in FIR (supra).

6. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars from the last 01 month and 25 days. Investigation is pending. The final report under Section 173 Cr.P.C. is yet to be presented before the concerned Court.

7. A two Judge Bench of Hon'ble Supreme Court in ***"Satender Kumar Antil vs. CBI"***, (2022) 10 SCC 51, with respect to prevailing conditions of undertrial prisoner in India has observed:

*"6. Jails in India are flooded with undertrial prisoners. The statistics placed before us would indicate that more than 2/3rd of the inmates of the prisons constitute undertrial prisoners. Of this category of prisoners, majority may not even be required to be arrested despite registration of a cognizable offence, being charged with offences punishable for seven years or less. They are not only poor and illiterate but also would include women. Thus, there is a culture of offence being inherited by many of them. As observed by this Court, it certainly exhibits the mindset, a vestige of colonial India, on the part of the investigating agency, notwithstanding the fact arrest is a draconian measure resulting in curtailment of liberty, and thus to be used sparingly. In a democracy, there can never be an impression that it is a police State as both are conceptually opposite to each other."*

8. Further the culpability, if any, would be determined at the time of trial and as such, no useful purpose will be served by further



detention of the petitioner-accused. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India.

9. Further keeping in view the law laid down by the Hon’ble Supreme Court of India in “*Prabhakar Tewari vs. State of U.P. and another*” 2020 (1) R.C.R. (Criminal 831) and “*Maulana Mohd. Amir Rashadi vs. State of U.P. and another*”, 2012 (2) SCC 382, the involvement of the petitioner in other cases would not be a ground to refuse grant of concession of regular bail.

10. In view of the above discussions, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner namely Gurjant Singh is ordered to be released on regular bail during pendency of the trial, on furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court/Duty Magistrate.

11. Nothing observed hereinabove shall be construed to be expression of an opinion by this Court on merits of the case. The learned Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

(HARPREET SINGH BRAR)  
JUDGE

17.07.2025

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No