



CRM-M-39556-2025

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

CRM-M-39556-2025

Date of Decision: 30.07.2025

Narinder Singh @ Ghuli

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. K.H.S. Bath, Advocate, for the petitioner.

Mr.Raj Karan Singh, AAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Petitioner has approached by way of filing the present petition praying for grant of regular bail in case FIR No.21 dated 01.03.2025 under Sections 21, 27-A, 29 of NDPS, 1985, registered at Police Station Sadar Batala, District Gurdaspur.
2. Succinctly, facts of the case are that the police party while on patrolling on 01.03.2025, saw a person coming on foot near the road at village Ghull. On seeing the police, he got perplexed and started turning backwards and threw black coloured plastic envelope from the right pocket of his lower. However, he was overpowered and on asking he disclosed his name as Narinder Singh @ Ghalli (petitioner). On checking the plastic envelope, heroin was recovered from the same, which on weighing was found to be 04 grams and from his personal search, drug money of Rs.2,000/- was also recovered. He failed to produce any licence regarding the possession of the said heroin. Thus, on the registration of the FIR, the petitioner was arrested on the spot. The samples taken were sent to the FSL. The investigation commenced. The petitioner approached the Court of learned Judge, Special Court, Gurdaspur praying for grant of regular bail.



However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 09.04.2025. Hence, the petitioner has approached this Court praying for grant of regular bail by way of filing the present petition.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case. He submits that as per the case of the prosecution, 04 grams of heroin was recovered from the petitioner. He submits that recovery as alleged is from the person of the petitioner and thus, provisions of Section 50 of the NDPS Act, are attracted, however, there is a blatant violation of Section 50 of the NDPS Act. He submits that no independent witness has been joined at the time of alleged recovery. He submits that even otherwise, admittedly, the recovered contraband is 04 grams of heroin is a small quantity as per the schedule of the NDPS Act and hence, offence is bailable in nature. He submits that learned trial Court has declined the bail of the petitioner only on the ground that the petitioner is involved in three other cases, however, out of which in two cases the petitioner has been implicated on the basis of the disclosure statement of the co-accused. He further submits that the petitioner is on bail in the said three cases. He, thus, submits that in the overall facts and circumstances of the case, the petitioner deserves to be granted bail.

4. Learned State counsel has fairly submits that recovery of contraband from the petitioner is 04 grams of heroin, which is a small quantity and thus, offence is bailable. He has submitted that the case is under investigation. He has placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that admittedly alleged recovered contraband in the present case is 04 grams of heroin, which is a small quantity and thus, the offence is bailable. Case is under investigation. The custody certificate reflects that the petitioner has suffered incarceration of 04 months & 27 days as on 29.07.2025. It further shows that the petitioner is involved in six more cases, however, he is on bail in those cases.
6. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.
7. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.
8. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

30.07.2025

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(RAJESH BHARDWAJ)

JUDGE

Whether Speaking/Reasoned :

Whether Reportable :

Yes/No

Yes/No