



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-40524-2025

Date of Decision:-04.08.2025

Gurbhajan Singh @ Gaggu.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Ranwant Singh Sangha, Advocate for the Petitioner.

Mr. Harkanwar Jeet Singh, AAG Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 483 BNSS is for grant of the grant of regular bail in case FIR No.171 dated 10.08.2022 under Sections 22/29/61/85 of NDPS Act registered at Police Station Baghapurana, District Moga.

2. The brief facts of the case are that petitioner-Gurbhajan Singh @ Gaggu came to be apprehended with 250 Tramwel tablets totalling 93.25 grams.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. There was violation of mandatory provisions of the Act regarding search and seizure including Sections 42 and 50. As the petitioner is in custody since 07.12.2024, none of the 10 prosecution witnesses had been examined so far and the recovery is of non commercial quantity of contraband, he is entitled



to the concession of bail.

4. The learned counsel for the State, on the other hand, contends that serious allegations have been levelled against the petitioner. Offences of this kind were on the rise and, therefore, he was not entitled to the concession of bail. He, however, concedes that the petitioner was a first time offender, in custody since 07.12.2024, none of the 10 prosecution witnesses had been examined so far and that the recovery was of non commercial quantity of contraband.

5. I have heard the learned counsel for the parties.

6. Admittedly, the recovery from the petitioner is of non commercial quantity of contraband. Therefore, the bar contained under Section 37 of the NDPS Act would not be applicable to the case of the petitioner. Further, the petitioner is stated to be in custody since 07.12.2024 and and none of the 24 prosecution witnesses have been examined so far. Therefore the Trial of the present case is not likely to be concluded anytime soon. In this situation the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Gurbhajan Singh @ Gaggi son of Sh. Sajjan Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the present case.

9. In addition the petitioner (or anyone on his behalf) shall prepare



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an FDR in the sum of Rs.1,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

August 04, 2025
Vinay

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