



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

229

CRM-M-42041-2025
Decided on : 08.12.2025

GURDEEP SINGH ALIAS RATTHA

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Amjad Khan, Advocate,
for the petitioner.

Mr. Sukhbeer Singh, DAG, Punjab.

SANJAY VASHISTH, J.

1. The instant 4th petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Gurdeep Singh @ Rattha	0065	05.05.2023	22 of NDPS Act (Section 29 of NDPS Act added later on)	Doraha, Khanna	Ludhiana

2. Learned counsel for the petitioner submits that petitioner was merely driving a Honda City car, bearing registration No.HR-26-AJ-9134, and co-accused namely Aman Singh was occupying the co-



passenger seat, at the time it was intercepted by the police. On conducting search of the vehicle, a transparent polythene bag was recovered from the dashboard, which was found to contain 270 grams of intoxicant powder. The substance was later confirmed to be Tramadol Hydrochloride.

3. It is argued by counsel for the petitioner that alleged recovery of contraband is affected from the dashboard of the car and the said car was not belonged to the petitioner. Hence, conscious possession has not been proved from the petitioner.

4. Counsel for the petitioner further submits that petitioner is in custody since 05.05.2023, and out of total 17 prosecution witnesses, only 07 have been examined so far, indicating that trial is proceeding at a slow pace. It is also submitted that petitioner is not involved in any other similar activity, falling under the NDPS Act. Considering the fact that petitioner's direct involvement is yet to be established by the prosecution, and trial is likely to take considerable time for conclusion, petitioner deserves the benefit of regular bail in the present case.

Additionally, it is submitted that co-accused namely Aman Singh, has already been extended the concession of regular bail by this Court, vide order dated 28.07.2025 passed in CRM-M-15659-2025 (Annexure P-6). Thus, on parity basis also, petitioner deserves the concession of regular bail.

5. On the other hand, learned State counsel confirms the factual aspects as submitted by counsel for the petitioner during the course of arguments before this Court. He does not dispute that petitioner is in



custody since 05.05.2023, i.e., for a period exceeding two years and seven months. However, learned State counsel is unable to offer any plausible explanation as to why the prosecution has not completed the examination of witnesses and why the trial has not progressed substantially despite the prolonged incarceration of the petitioner.

7. This Court has heard the submissions advanced by learned counsel for the parties and has also perused the material available on record, and finds that, apart from the alleged connection of the petitioner with the recovered contraband, it is upon the prosecution to establish the element of conscious possession in order to secure the conviction of the petitioner. At this stage, the evidence to prove such conscious possession is yet to be led.

8. Considering the fact that petitioner has already undergone an incarceration period of more than two years and seven months, and also keeping in view that petitioner is not involved in any other similar activity falling under the NDPS Act, this Court finds merit in the plea made by the petitioner in the present case. Moreover, trial is likely to take considerable time for its conclusion. In these circumstances, this Court deems it appropriate to grant the concession of regular bail to the petitioner in the present case.

Consequently, prayer made in the present petition is **allowed**.

Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.



9. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

10. Any of the discussion done and recorded here above, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible, in accordance with law.

11. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

12. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

08.12.2025
Lavisha

Whether Speaking/Reasoned: YES/NO
Whether Reportable: YES/NO