



CRM-M-41996-2025

-1-

**248+403 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(1) CRM-M-41996-2025

Gurbhej Singh @ Bheja

..... Petitioner

Versus

State of Punjab

.....Respondent

(2) CRM-M-63192-2025

Ranjit Singh @ Kaka

..... Petitioner

Versus

State of Punjab

.....Respondent

Date of Decision: 18.11.2025

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr.Rishu Mahajan, Advocate for the petitioner
in CRM-M-41996-2025.
Mr. N.S. Sodhi, Advocate, for the petitioner
in CRM-M-63192-2025.

Mr.Raj Karan Singh, AAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. This order will dispose of above-mentioned two petitions, as both have arisen out of a common FIR.

2. Petitioners have approached this Court by way of present petitions praying for granting them regular bail in case FIR No.100 dated 22.05.2024, under Sections 21-C/25/27-A of NDPS Act, 1985 (Section 29 of NDPS Act and Sections 25, 54-59 of Arms Act added lateron), registered at Police Station Islamabad, District Amritsar.

3. Succinctly, facts of the case are that on 22.05.2024, the police party while on patrolling received a secret information to the effect that Rajinder Singh @ Raja is selling drugs in his car bearing registration No.PB02-DE-0529. It was informed that if barricading is laid, he could be



arrested alongwith the contraband. On receiving the information, a raiding team was constituted and reached at the place disclosed in the secret information. One car as disclosed was seen coming in which one person was travelling. The same was stopped. On asking, the person i.e. the driver of the car, disclosed his name to be Rajinder Singh @ Raja. He was suspected to be carrying some contraband and thus, search of the car was conducted. On conducting search, 500 grams of heroin was recovered alongwith Rs.40,000/- as drug money. He failed to produce any licence regarding the possession of the same and thus, he was arrested on the spot. On the registration of the FIR, the investigation commenced. During the investigation, he made a disclosure statement about the complicity of co-accused Abhishek and further, it is on the disclosure statement of Abhishek, Ranjit Singh @ Kaka (petitioner in CRM-M-63192-2025) was nominated as accused and thus, he was arrayed as an accused and he was arrested on 13.06.2024. Ranjit Singh @ Kaka, during his investigation, made a disclosure statement about the involvement of Gurbhej Singh @ Bheja (petitioner in CRM-M-41996-2025) and Simar and thus, they were also arrayed as accused. From search of the car of Gurbhej Singh @ Bheja in which he was travelling, 1.6 kgs of heroin was recovered and thus, he was arrested on 14.06.2024. Samples from the recovered contraband from both the petitioners, were sent to the FSL. On receipt of the FSL report, challan was presented and on framing of charges, the trial commenced. The petitioners approached the Court of learned Judge Special Court, Amritsar praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail applications



CRM-M-41996-2025

-3-

filed by the petitioners vide order dated 31.01.2025/09.12.2024. Petitioner Ranjit Singh @ Kaka earlier approached this Court by way of filing CRM-M-14742-2025, however, the same was allowed to be dismissed as withdrawn at that stage. Hence, petitioner Ranjit Singh @ Kaka has again approached this Court praying for grant of regular bail by way of filing the present second petition, whereas, petitioner Gurbhej Singh @ Bheja has approached this Court by way of filing the first petition.

3. It has been vehemently contended by learned counsel for the petitioners that the petitioners have been falsely implicated in the present case. It is submitted that neither the petitioners were named in the secret information, nor initially any recovery has been effected from them. However, they have been implicated in the present case only on the basis of disclosure statement of the co-accused. It is submitted that even otherwise the disclosure statement of the co-accused is not an admissible evidence. It is submitted that the FIR in the present case was registered on the basis of secret information and there is violation of Section 42 of the NDPS Act. They submit that the alleged recovery from the petitioners, is a planted one in blatant violation of Section 50 of the NDPS Act.

To buttress his arguments, learned counsel for Gurbhej Singh @ Bheja has submitted that the petitioner has no criminal antecedents, which further strengthened that he has been falsely implicated in the present case.

Learned counsel for petitioner, Ranjit Singh @ Kaka has also submitted that there is only one more case pending against the petitioner, wherein he was also implicated on the basis of disclosure statement of the co-accused, however, petitioner Ranjit Singh @ Kaka is on bail in the same.



It is submitted by learned counsel for the petitioners that five co-accused of the petitioners are already on bail. They submit that the petitioners are behind the bars from more than one years, however, the prosecution could not even examine a single witness. They, thus, submit that in the facts and circumstances of the case, the petitioners deserve to be granted regular bail.

5. *Per contra*, learned State counsel has vehemently opposed the submissions made by counsel for the petitioners. He submits that complicity of the petitioners has been established during the investigation as they were the supplier of the contraband recovered from accused Rajinder Singh @ Raja. He submits that recovery effected from the petitioners is a commercial quantity and thus, provisions of Section 37 of the NDPS Act are attracted. On instructions, he submits that the investigation is complete and challan is presented. He has placed on record the custody certificates of the petitioners.

6. On hearing counsel for the parties and perusing the record, it is deciphered that the petitioners in the present case were arrayed on the basis of disclosure statement of the co-accused. The investigation already stands completed. Custody certificates of the petitioners would show that both the petitioners have suffered incarceration of 01 year, 04 months and 28 days as on 17.11.2025. It further shows that petitioner Ranjit Singh @ Kaka is involved in one more case.

7. As held by the Hon'ble Supreme Court in ***Mohd Muslim @ Hussain Vs. State (NCT of Delhi), 2023 LiveLaw(SC)260***, this Court is of the opinion that the case of the petitioner is covered by the ratio of law laid down by the Hon'ble Supreme Court. In the abovesaid case Hon'ble Supreme



Court expressed its views as under:-

19. A plain and literal interpretation of the conditions under Section 37 (i.e., that Court should be satisfied that the accused is not guilty and would not commit any offence) would effectively exclude grant of bail altogether, resulting in punitive detention and unsanctioned preventive detention as well. Therefore, the only manner in which such special conditions as enacted under Section 37 can be considered within constitutional parameters is where the court is reasonably satisfied on a prima facie look at the material on record (whenever the bail application is made) that the accused is not guilty. Any other interpretation, would result in complete denial of the bail to a person accused of offences such as those enacted under Section 37 of the NDPS Act.

20 xxxxx

21it would be important to reflect that laws which impose stringent conditions for grant of bail, may be necessary in public interest; yet, if trials are not concluded in time, the injustice wrecked on the individual is immeasurable.

22 xxxxx

23. There is a further danger of the prisoner turning to crime, "as crime not only turns admirable, but the more professional the crime, more honour is paid to the criminal"²² (also see Donald Clemmer's 'The Prison Community' published in 1940²³). Incarceration has further deleterious effects - where the accused belongs to the weakest economic strata: immediate loss of livelihood, and in several cases, scattering of families as well as loss of family bonds and alienation from society. The courts therefore, have to be sensitive to these aspects (because in the event of an acquittal, the loss to the accused is irreparable), and ensure that trials – especially in cases, where special laws enact stringent provisions, are taken up and concluded speedily.'

8. 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



CRM-M-41996-2025

-6-

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 petitioners succeed in making out a case for grant of regular bail to the petitioners.

9. Accordingly, the present petitions are allowed and the petitioners are ordered to be released on bail on their furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

10. It is being clarified that in case petitioner Ranjit Singh @ Kaka does not furnish bail/surety bonds within a period of one week from today, his custody will not be counted in the present case after one week.

11. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

18.11.2025

sharmila

Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No