



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

244

CRM-M-42567-2025
Decided on : 11.08.2025

Gurjit Singh . . . Petitioner(s)

Versus

State of Punjab . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Salil Dev Singh Bali Advocate,
Mr. Jaiveer Singh Bali, Advocate and
Mr. Rajinder Yadav, Advocate, for the petitioner(s).

Mr. Jasdeep Singh, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. The instant 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
Gurjit Singh	16	01.03.2024	21 of NDPS Act, 1985 [S. 21C, 25, 29, 61, 85 of NDPS Act, added later on]	Kulgari	Ferozepur

2. Learned counsel for the petitioner contends that, on the basis of secret information received by the police party, one Swift car bearing registration No. PB05-AR-1927, coming from Zira towards Ferozepur city, was intercepted, and from its occupants, i.e., accused Heera Singh and Anmolpreet Singh @ Maula, 1.500 kg of ‘Heroin’ was recovered on 01.03.2024. Subsequently, on the basis of the disclosure statement of



accused Heera Singh recorded on the spot, the petitioner's name surfaced as the alleged supplier of the said contraband. It is submitted that, prior to the alleged recovery on 01.03.2024, the petitioner was in judicial custody in another case, namely FIR No. 24 dated 17.05.2020, registered under Sections 302, 341, 506, 148, 149, 449 IPC and Sections 25/27 of the Arms Act [Sections 212, 216, 201 of IPC and Section 29 & 30 of Arms Act, 1959, were added later on], registered at P.S. Gate Arif Ke, District Ferozepur. Reference is made to this Court's common bail order dated **29.07.2025**, passed in **CRM-M-1055-2025**, titled as, "Gurjit Singh v. State of Punjab" and one another case (Annexure P-3), to show that the petitioner first came out of custody only in pursuance of that order, which was subsequent to the alleged recovery in the present case.

3. Learned counsel further submits that, as the petitioner was in custody at the relevant time, he had no physical access to arrange or deliver any contraband to the arrested co-accused, and there was no possibility of communication with them since he had no access to a mobile phone or any telephonic facility in jail. It is emphasised that the petitioner, aged 30 years, has never been involved in any other NDPS case, and in the present matter also, no recovery has been effected from his conscious possession. He has been in custody for the last about 01 year and 05 months, and trial proceedings are progressing at a slow pace, as out of total 29 prosecution witnesses, only 03 have been examined so far, while 06 have been given up by the prosecution (as also confirmed by learned State counsel).

Thus, learned counsel prays for grant of concession of regular bail to the petitioner.



4. On the other hand, learned State counsel has filed the custody certificate dated 09.08.2025, in Court today, which is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

A copy thereof has been handed over to the counsel for the petitioner.

5. Learned State counsel submits that as per the custody certificate petitioner has suffered incarceration for a period of about 01 year, 05 months and 03 days. He further points out that, as per the said custody certificate, the petitioner is not found involved in any other case of similar nature. However, he contends that, keeping in view the nature of allegations levelled against the petitioner, he does not deserve the concession of bail. Learned State counsel, however, does not dispute the factual averments made here-above by the learned counsel for the petitioner.

6. Having heard learned counsel for the parties and on perusal of the record, this Court is of the view that, although the allegations levelled against the petitioner are serious in nature, however, certain relevant aspects cannot be overlooked, i.e., no recovery of narcotic contraband has been effected from the conscious possession of the petitioner; his name surfaced only on the basis of the disclosure statement of a co-accused; he has been in custody for the last about 01 year, 05 months and 03 days; and there is no other case of similar nature registered against him. Further, the trial is likely to take considerable time, as only a few witnesses have been examined so far.

In such circumstances, this Court finds that the onus would heavily lie upon the prosecution to prove the allegations beyond reasonable



doubt during the course of trial qua the petitioner, and therefore, considers it just and appropriate to extend the concession of regular bail to him.

7. 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.

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

9. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

10. 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.

11. Petition stands **disposed of**.

(SANJAY VASHISTH)
JUDGE

August 11, 2025

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*