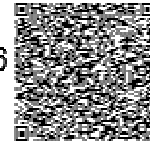


2025:PHHC:106976



**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

CRM-M-43464-2025 (O&M)

Reserved on : 18.08.2025

Pronounced on : 19.08.2025

Gurcharan Singh @ Raju**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Prateek Pandit, Advocate
for the petitioner.

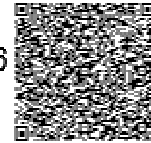
Mr. Roshandeep Singh, AAG, Punjab.

MANISHA BATRA, J.

1. The instant one is the third petition that has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking grant of regular bail in case bearing FIR No. 83 dated 23.08.2024, registered under Sections 21 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Lambra, District Jalandhar (Rural). The previous petitions were dismissed as withdrawn.

2. Brief facts of the case relevant for the disposal of the present petition are that on 23.08.2024, the petitioner and co-accused Balwinder Singh @ Mota and Gurpreet Singh @ Guri, while travelling in a car bearing registration number PB-10-GL-4080, were apprehended by a police party and recovery of 225 grams of heroin and drug money of Rs. 1 Lakh was effected from a bag, which was kept on the dashboard of the car. All of them were formally arrested at the spot. After completion of necessary investigation and

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usual formalities, *challan* was presented in the Court and presently, the petitioner along with the co-accused is facing trial for commission of afore mentioned offences.

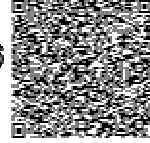
3. Learned counsel for the petitioner has submitted that he has been falsely implicated in this case. The quantity of the recovered contraband does not fall under commercial one. Even otherwise, investigation stands completed and *challan* has been filed. Trial is substantially delayed and its conclusion is likely to take time. The petitioner is in custody since 23.08.2024. No useful purpose would be served by keeping him in custody anymore. Similarly situated co-accused Gurpreet Singh @ Guri has already been granted concession of regular bail by this Court, vide order dated 08.01.2025 passed in **CRM-M-51489-2024**. On the grounds of parity, the petitioner too deserves the same benefit. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on regular bail.

4. Custody certificate of the petitioner has been filed by the respondent-State. It is submitted by learned State counsel that keeping in view the gravity of the allegations levelled against the petitioner as well as his criminal antecedents, he is not entitled to get benefit of bail. Hence, it is urged that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

6. The petitioner is in custody since 23.08.2024. The quantity of the contraband allegedly recovered from him does not fall under commercial quantity. Investigation has since been completed and *challan* has been filed.

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In the order dated 08.01.2025, this Court had observed that the trial was delayed as out of 14 prosecution witnesses, none had been examined by then. On a specific Court query, learned State counsel has apprised the Court that the stage of trial still remains the same as no witness has been examined so far, despite the lapse of a period of about eight months since then. Hence, its conclusion will take considerable time. Co-accused Gurpreet Singh @ Guri, who was also the occupant of the said car, has been granted concession of regular bail by this Court, as mentioned above. Keeping in view the aforesaid facts, I am of the considered opinion that no useful purpose would be served by keeping the petitioner in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

19.08.2025*Waseem Ansari***(MANISHA BATRA)
JUDGE***Whether speaking/reasoned**Yes/No**Whether reportable**Yes/No*