



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

219

CRM-M-42620-2025

Date of Decision : 16.09.2025

GURJANT SINGH

.... PETITIONER

V/S

STATE OF PUNJAB

.... RESPONDENT

CORAM:HON'BLE MR. JUSTICE SUBHAS MEHLA

Present : Mr.Ruhani Chadha, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

SUBHAS MEHLA, J. (Oral)

1. The petitioner is seeking regular bail in FIR No.158 dated 31.08.2022, under Sections 21, 29 and 27(a) and 61 of Narcotic and Psychotropic Substances Act, 1985 registered at Police Station Gharinda, District Amritsar.

2. Learned counsel for the petitioner contended that the petitioner has been falsely implicated in this case. No recovery was effected from him and the alleged recovery of 1 kg heroin from the petitioner's bag is false and fabricated. The FIR was registered on the basis of secret information received but no compliance of Section 42 of the NDPS Act was made. Learned counsel further contended that the petitioner is in custody since 31.08.2022, the challan already stands presented, charges have been framed, and only 4 out of 14 prosecution witnesses have been examined. There is no



apprehension of tampering with the prosecution evidence. Learned counsel further contended that co-accused Ranjit Singh @ Rana has been granted bail by a Co-ordinate Bench of this Court in CRM-M-46315-2025 vide order dated 22.08.2025n wherein a judgment of Hon'ble Apex Court in the matter of SLP No. 6690 of 2022, titled as **Dheeraj Kumar Shukla Vs. State of Uttar Pradesh**, was relied upon.

3. Custody certificate of the petitioner filed by learned State counsel is taken on record

4. Learned State counsel opposed the prayer for bail and submitted that the recovery effected in the present case is 2 kilograms of heroin, i.e., 1 kilogram from the present petitioner and 1 kilogram from co-accused Ranjit Singh, along with drug money of ₹4,93,000/-. Learned counsel further submitted that the quantity recovered falls within the ambit of commercial quantity and the petitioner does not deserve the concession of bail. It is further pleaded that present petitioner is involved in similar type of criminal activities and is habitual offender. The present petition filed by concealment as in para 14 of petition, it is mentioned that he is having no other case and prayed for dismissal.

5. Heard.

6. After hearing learned counsel for the petitioner as well as learned State counsel and upon perusal of the record, it is evident that the recovery effected in the present case is on the basis of secret information. From the petitioner, 1 kilogram of heroin was recovered and from co-accused Ranjit Singh, another 1 kilogram of heroin along with drug money amounting to Rs.4,93,000/- was recovered. Regarding the contention of



learned counsel for petitioner that case of petitioner is on parity, as co-accused was granted bail in CRM-M-46315-2025 while relying upon a case of the Hon'ble Supreme Court titled as **Dheeraj Kumar Shukla's case (supra)** wherein it is held that where the quantity recovered from the petitioner is commercial in nature and the provisions of Section 37 of the Act may ordinarily be attracted. However, in the absence of criminal antecedents the conditions of Section 37 of the Act can be dispensed with. But the antecedents of the present petitioner is not clean and clear as per the custody certificate dated 15.09.2025 which reveals that he is also involved in another case under the NDPS Act. Therefore, case law **Dheeraj Kumar Shukla's case (supra)** lend no help to him in the present factual matrix of the case. The recovery as per prosecution is of heroin, which falls within the ambit of commercial quantity. Keeping in mind the seriousness of the offence, no ground is made out for grant of bail to the petitioner.

7. Accordingly, without expressing any opinion on the merits of the case, the present bail petition is dismissed.

8. Anything observed herein shall not be construed as an opinion on the merits of the main case.

(SUBHAS MEHLA)
JUDGE

16.09.2025

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