

2025:PHHC:006376



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

278

**CRM-M-50706-2023 (O&M)**  
**Date of decision: 17.01.2025**

**Gurjinder Singh @ Kaka****...Petitioner**

**Versus**

**State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. P. S. Bhinder, Advocate  
for the petitioner.

Ms. Swati Batra, Deputy Advocate General, Punjab.

**MANISHA BATRA, J. (Oral)**

1. Prayer in this petition, filed under Section 439 of Cr.P.C., is for grant of regular bail to the petitioner in FIR No. 157 dated 16.06.2023, registered under Sections 22 and 27 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Patran, District Patiala.

2. Brief facts of the case relevant for the disposal of the present petition are that on 16.06.2023, the petitioner was apprehended by a police party headed by ASI Sher Singh and recovery of 410 tablets of Buprenorphine Hydrochloride was effected from him. He was formally arrested at the spot. After completion of necessary investigation and usual formalities, *challan* under Section 173 Cr.P.C. was presented in the Court and presently, the petitioner is facing trial for commission of aforementioned

2025:PHHC:006376



offences. He had moved an application for grant of regular bail before the learned trial Court but the same had been dismissed, vide order dated 05.09.2023. Thereafter, the petitioner had filed the present petition seeking concession of regular bail and vide order dated 28.02.2024, he was directed to be released on interim bail till the next date of hearing. The interim bail was extended from time to time. When the case was taken up on 20.08.2024, it was observed by this Court that the petitioner was on interim bail since 28.02.2024 and it was a case involving recovery of commercial quantity of contraband from the petitioner and also that he was involved in two more cases under the NDPS Act. On the same date, since learned counsel for the petitioner had submitted that the petitioner was a drug addict and was admitted in Civil Hospital, Patran, this Court, while extending the interim bail upto 13.11.2024, had directed the respondent-State to file medical status report of the petitioner.

3. In compliance with the direction given on 20.08.2024, short reply by way of affidavit of DSP, Sub Division Patran was filed, wherein it was stated that on inquiry, it was found that the petitioner was never admitted in the aforesaid hospital for his treatment. In view thereof, vide order dated 13.11.2024, the petitioner was directed to surrender before the learned trial Court within a period of 20 days. However, the petitioner has not surrendered so far.

4. Learned counsel for the petitioner could not dispute the aforesaid facts. However, he has submitted that in fact the petitioner was not admitted in the said hospital but was taking treatment as he was a drug addict and it was inadvertently conveyed to this Court that he was admitted.

2025:PHHC:006376



5. Be whatsoever, keeping in view the conduct of the petitioner, the quantity of the recovered contraband, his criminal antecedents, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, this Court is of the considered opinion that he does not deserve to be granted concession of regular bail. Accordingly, the present petition is dismissed.
6. 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.
7. Let a copy of this order be sent forthwith to the learned trial Court as well as SHO of the Police Station concerned.

17.01.2025  
*Waseem Ansari*

(MANISHA BATRA)  
JUDGE

*Whether speaking/reasoned*  
*Whether reportable*

*Yes/No*  
*Yes/No*