



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

223

CRM-M-44678-2025(O&M)

Date of Decision: 22.09.2025

GURDEEP SINGH

....Petitioner

VERSUS

STATE OF PUNJAB

....Respondent

CORAM : HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Amit Agnihotri, Advocate for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

AMAN CHAUDHARY, J. (Oral)

1. The present petition filed under Section 483 of BNSS, 2023, is for grant of regular bail to the petitioner in case FIR No.147 dated 06.11.2020, registered at Police Station Special Task Force, District SAS Nagar(Mohali), under Sections 18, 21, 23, 25, 27 of Narcotic Drugs & Psychotropic Substances Act, 1985 and Section 29-A Arms Act and Sections 420, 467, 468, 471 of IPC and offences under Section 8, 27-A, 29, 59 of Narcotic Drugs & Psychotropic Substances Act, 1985 and Sections 25, 27 and 30 of Arms Act and Sections 171, 212, 395, 419, 473 of IPC and Sections 48, 64 of Punjab Police Act, 2007 and Sections 7, 13(1)(A)(2) of Prevention of Corruption Act 1988 added later on.

2. Learned counsel contends that the petitioner has been in custody for the last 4 years and 10 months. Recovery of 392 grams of heroin is alleged to have been effected from his vehicle and from a plot adjacent to his office, recovery of 2.5 kg of heroin was effected even from the co-accused Rawej Singh Dhillon @ Raven Singh Dhillon, pursuant to his

2025.PHHC.131555



disclosure statement, who has been granted regular bail. Co-accused Bhajan and Amritpal Singh from whom also recovery of contraband was effected, have been enlarged on bail on 02.03.2022 along with Manpreet Kaur alias Meenu (Annexure P-4) and Iqbal Singh (Annexure P-5) vide order of even date from whom also recovery of 10 grams of heroin has been effected. Further, co-accused namely, Avninder Singh, Amrinder Singh and Akashdeep, from whom the contraband along with an Innova car was recovered, were granted the concession of regular bail vide order dated 04.05.2022, Annexure P-6. There is non-compliance of mandatory provisions of Section 50 NDPS Act. No independent witness has been examined. The arms allegedly recovered from him are all licensed. Charges were framed on 07.01.2022 whereafter supplementary challan was presented, thereafter charges were again framed on 06.12.2023. Out of 135 prosecution witnesses, 17 have been examined and 6 have been given up. The petitioner is involved in 5 more cases, out of which 2 under NDPS and 3 under IPC, wherein he is on bail in 2 cases. Reliance is placed on the judgment of Hon'ble The Supreme Court in **Maulana Mohd. Amir Rashadi vs. State of U.P. and others**, 2012(2) SCC 382

3. The custody certificate dated 21.09.2025, filed by the learned State counsel is taken on record and as per which, the petitioner has been in custody for the last 4 years, 10 months and 1 day.

4. Learned State counsel submits that commercial quantity was recovered from the petitioner, who was apprehended at the spot. He is however unable to controvert the submissions with regard to stage of the

2025.PHHC.131555



case, co-accused having been granted bail and the petitioner being on bail in the 2 cases registered against him.

5. Heard.

6. Hon'ble The Supreme Court in the case of **Maulana Mohd. Amir Rashadi** (Supra) had held that, “As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court, etc.” Reiterating in **Prabhakar Tewari vs. State of UP and another**, (2020) 11 SCC 648, it was observed that, “The offence alleged no doubt is grave and serious and there are several criminal cases pending against the accused. These factors by themselves cannot be the basis for refusal of prayer for bail.”

7. Hon'ble The Supreme Court in **Shariful Islam @ Sarif versus The State of West Bengal** SLP (Crl.) No.4173/2022, decided on 04.08.2022, granted bail to the petitioner in a case of recovery of commercial quantity of contraband, considering incarceration for over 1 year and 6 months and there being no likelihood of completion of trial in the near future, while the Division Bench of this Court in **Bhupender Singh vs. Narcotic Control Bureau** (2022) 2 RCR (Crl.) 706, observed with regard to achieving balance between right to speedy trial guaranteed under Article 21 of the Constitution of India and rigors of Section 37 of NDPS Act.

8. This Court in the case of **Balraj Singh vs. State of Punjab** CRM-M-57386-2022, on 14.12.2022 has followed the dictum laid down by

2025.PHHC.131555



Hon'ble The Supreme Court and granted the bail to the petitioner therein after he had undergone total custody of 1 year and 6 months and in **Munasi Masih vs. State of Punjab**, CRM-M-31504-2022, on 06.2.2023, wherein commercial quantity of contraband had been recovered but only 2 out of 13 PWs had been examined, allowed bail.

9. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for last 4 years, 10 months and 1 day; he is on bail in 2 other cases registered against him; co-accused have been enlarged on bail; charges have been framed on 06.12.2023, however, out of 135 prosecution witnesses, only 17 have been examined so far, besides 6 were given up, the trial is likely to take a considerable time, further incarceration of the petitioner would be violative of his right enshrined under Article 21 of the Constitution of India and the rigors of Section 37 of the NDPS Act can be diluted bearing in mind the right to a speedy trial, the present petition is allowed.

10. The petitioner is ordered to be released on regular bail, subject to furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned, if not required in any other case and shall abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.

2025.PHHC.131555



- (iv) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
- (v) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- (vi) The petitioner shall not in any manner misuse his liberty.
- (vii) The petitioner shall furnish his address and mobile number by way of an affidavit to the trial Court and not change the same till conclusion of trial and if for any reasons, he seeks to change either of the aforesaid, it shall be done only with prior information to the learned trial Court.
- (viii) The petitioner shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

11. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

12. In view of the above, it is clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AMAN CHAUDHARY)
JUDGE

22.09.2025

Deepak Patwal

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No