



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

301-II**CRM-M-45200-2025 (O&M)****Date of decision : 19.11.2025**

Gurpreet Singh @Gopi

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. Sachin Sharma, Advocate for the petitioner.

Mr. Jasdev Singh Thind, DAG, Punjab.

SURYA PARTAP SINGH, J.

1. For the commission of offence punishable under Section 21(B), 21(C), 29, 27(A) of the Narcotic Drugs and Psychotropic Substances Act, 1985, hereinafter being referred to as 'NDPS Act' only, Section 238 of BNS, 2023, and Section 25 of Arms Act, the FIR No.226 dated 24.12.2024 has been lodged in Police Station Chheharta, District Amritsar. The petitioner is being prosecuted for the commission of abovementioned offence and he has been arrested. The petitioner is in custody and, therefore, craving for bail. This is first petition for bail filed by the petitioner, under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

2. In nut-shell, the facts emerging from record are that the FIR of this case came into being in response to a report of SI Rajinder Singh. It was reported by the above-named police official that on 24.12.2024, when he

**CRM-M-45200-2025 (O&M)**

2

was heading a team deputed for patrolling duty near R.S. Enclave, he spotted a motorcycle and in usual course signalled the biker to stop for checking. According to above-named police official, when the abovesaid biker noticed the presence of police party, instead of stopping the motorcycle he tried to take a U-turn, and ran away. It was further reported by the above-named police official that in his abovementioned endeavour, the biker slipped and fell down, and therefore, he was apprehended. According to prosecution, the abovesaid person tried to throw one carry bag tied with the handle of the motorcycle, and when the contents of the same were checked, it was found that he was carrying 192 gms of heroin.

3. It is the case of the prosecution that once the recovery of contraband had taken place, requisite formalities with regard to seizure & sealing of contraband, lodging of FIR, and arrest of accused were performed, and further investigation taken up.

4. According to prosecution, during the course of investigation, when the above-named accused, who disclosed his name as Aniket Verma, was interrogated, he suffered a disclosure statement nominating therein two persons, namely Joban and Babli, who, too, were arrested and from the possession of accused Babli, 02 kg of heroin was recovered.

5. It was further alleged by the prosecution that when accused Joban was interrogated, he, too, suffered a disclosure statement nominating therein Amritpal Singh, Harpreet Singh and Manjit Singh. It is the case of the prosecution that when accused Harpreet Singh, nominated by Joban and



CRM-M-45200-2025 (O&M)

3

Babli, was interrogated, he nominated Mandeep Singh, Gurpreet Singh (petitioner herein), Lovepreet Singh, and Harshpreet Singh.

6. Heard.

7. It has been contended on behalf of petitioner that the petitioner is innocent having no nexus, whatsoever, with the commission of crime, and that he has been falsely implicated in the present case. According to learned counsel for the petitioner, nothing has been recovered from the possession of petitioner, and that he has been simply nominated in view of the disclosure statement suffered by his co-accused. As per learned counsel for the petitioner, the petitioner has already suffered prolonged incarceration for being in custody for a period of more than 10 months, and that nothing is left to be recovered from the possession of petitioner.

8. In addition to above, it has also been argued by learned counsel for the petitioner that the sole evidence, collected by the Investigating Agency against the petitioner, is the disclosure/confessional statement of co-accused. As per learned counsel for the petitioner, the abovementioned disclosure/confessional statement is inadmissible evidence in view of the fact that the abovementioned disclosure statement was recorded when the maker of it was already in police custody and pursuant to disclosure statement neither any discovery of fact pertaining to present case had taken place, nor recovery of any contraband.

9. *Per contra*, the learned State Counsel has argued that the allegations against the petitioner are of serious nature, as he has been

**CRM-M-45200-2025 (O&M)**

4

nominated by two co-accused in their respective disclosure statements, and that recovery of contraband from one of the co-accused, namely Babli, is 02 kg of heroin, which comes within the ambit of commercial quantity. It has also been argued by learned State Counsel that the petitioner is member of a gang involved in the trading of narcotic substance, and if released on bail, he is likely to misuse the concession of bail.

10. The record has been perused carefully.

11. A perusal of record shows that in the present case, following are the relevant factors which are required to be taken into consideration, for arriving at any decision with regard to present petition: -

- i) that the petitioner is already in custody for a period of more than 10 months;
- ii) that the petitioner has been simply implicated, on the basis of disclosure statement suffered by the co-accused, and the abovementioned disclosure/confessional statement of co-accused was recorded, when they were already in police custody. Thus, there is a question mark with regard to credibility and admissibility of abovementioned disclosure statement in evidence, as no discovery or recovery pursuant thereto had taken place;
- iii) that nothing is left to be recovered from the possession of petitioner;
- iv) that as per custody certificate, the petitioner has no criminal antecedents;
- v) that the trial is not likely to be concluded in near future;



- vi) that detention of petitioner in judicial lockup is not likely to serve any purpose;
- vii) that there is nothing on record to show that if released on bail, the petitioner may tamper with the evidence or influence the witnesses; and
- viii) that there is nothing on record to show that if released on bail, the petitioner will not participate/cooperate in the trial.

12. With regard to the legal aspect involved in the instant case, the principles of law laid down by the Hon'ble Supreme Court in the case of ***"Dataram versus State of Uttar Pradesh and another", 2018(2) R.C.R. (Criminal) 131***, are relevant, wherein it has been observed that *"a fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. However, there are instances in our criminal law where a reverse onus has been placed on an accused with regard to some specific offences but that is another matter and does not detract from the fundamental postulate in respect of other offences. Yet another important facet of our criminal jurisprudence is that the grant of bail is the general rule and putting a person in jail or in a prison or in a correction home (whichever expression one may wish to use) is an exception. Unfortunately, some of these basic principles appear to have been lost sight of with the result that more and more persons are being incarcerated and for longer periods. This does not do any good to our criminal jurisprudence or to our society. There is no doubt that the grant or denial of bail is entirely the discretion of the judge considering a case but even so, the exercise of*



judicial discretion has been circumscribed by a large number of decisions rendered by this Court and by every High Court in the country. Yet, occasionally there is a necessity to introspect whether denying bail to an accused person is the right thing to do on the facts and in the circumstances of a case”.

13. The principles laid down by the Hon’ble the Supreme Court of India in the case of **‘Satender Kumar Antil Vs. Central Bureau of Investigation and Another’**, 2022 LiveLaw (SC) 577, are also relevant in this case. In the abovementioned case, it has been observed that *“the rate of conviction in criminal cases in India is abysmally low. It appears to us that this factor weighs on the mind of the Court while deciding the bail applications in a negative sense. Courts tend to think that the possibility of a conviction being nearer to rarity, bail applications will have to be decided strictly, contrary to legal principles. We cannot mix up consideration of a bail application, which is not punitive in nature with that of a possible adjudication by way of trial. On the contrary, an ultimate acquittal with continued custody would be a case of grave injustice”.*

14. Recently, in the case of **‘Tapas Kumar Palit Vs. State of Chhattisgarh’**, 2022 INSC 222, the Hon’ble Supreme Court of India has observed that *“if an accused is to get a final verdict after incarceration of six to seven years in jail as an undertrial prisoner, then, definitely, it could be said that his right to have a speedy trial under Article 21 of the Constitution has been infringed”.* It has also been observed by the Hon’ble Supreme Court of India in the abovementioned case that *“delays are bad for the*



accused and extremely bad for the victims, for Indian society and for the credibility of our justice system, which is valued. Judges are the masters of their Courtrooms and the Criminal Procedure Code provides many tools for the Judges to use in order to ensure that cases proceed efficiently”.

15. Therefore, to elucidate further, this Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to the accused as mandated by Hon’ble Apex court in ***“Balwinder Singh versus State of Punjab and Another”***, SLP (Crl.) No.8523/2024.

16. If the cumulative effect of all the abovementioned factors, involved in the instant case, is taken into consideration, it leads to a conclusion that the petitioner is entitled for the benefit of bail, and that the present petition deserves to be allowed.

17. Accordingly, without commenting anything on the merits of the case, the present petition is hereby ***allowed***. The petitioner is hereby ordered to be released on bail on his furnishing personal bond and surety bond(s) to the satisfaction of learned trial Court, subject to the following conditions:-

- (i) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.
- (ii) that the petitioner shall at the time of execution of bond, furnish the address to the Court concerned and shall notify the change in address to the trial Court, till the final decision of the trial;
and



CRM-M-45200-2025 (O&M)

8

(iii) that the petitioner shall not leave India without prior permission of the trial Court.

18. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

(SURYA PARTAP SINGH)
JUDGE

NOVEMBER 19, 2025

Gaurav Thakur

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No