108 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-52465-2023
Date of decision: 30.07.2025

GOURAV CHOUHAN ...PETITIONER

VERSUS

STATE OF PUNJAB ...RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. M.S.Saini, Advocate for the petitioner.

Ms. Navreet K. Barnala, AAG, Punjab.

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ANOOP CHITKARA, J. (ORAL)

FIR No.	Dated	Police Station	Sections
209	26.12.2019	Kartarpur, Jalandhar, Punjab	21/29 of NDPS Act

1. The petitioner incarcerated in the FIR captioned above has come up before this Court under Section 439 of the Code of Criminal Procedure, 1973 [Cr.P.C], seeking regular bail.

2. Vide order dated 14.03.2024, the petitioner was granted interim bail by a Co-ordinate Bench of this Court due to prolonged custody of four years, the order is continued till date and in the pendency.

3. Per custody certificate dated 29.07.2025, no other case is pending against the petitioner.

4. The facts and allegations are being taken from the short reply dated 29.12.2023 filed by the State, which reads as follows:

"xxx xxx xxx xxx

That the brief and relevant facts of the case are that the aforesaid FIR No. 209 dated 26.12.2019 was registered at the Police station Kartarpur, Jalandhar (Rural) on the basis of a 'Ruqa' sent by ASI Parwinder Singh No. 524/JAL-R stating therein that on 26.12.2019, he along with the police party were going from Jalandhar to Maqsudan, Kartarpur for the purpose of patrolling and search of bad elements and when the police party reached at main GT Road, village Kahlwan, he received a secret information that the petitioner and co-accused Sanjeev Kumar were involved in the sale of heroin after procuring the same from the persons sent by Pushpinder Singh alias Nõni and Gurjant Singh alias Bolu and they (petitioner and the co-accused Sanjeev Kumar alias Pamma) used to sale heroin in the Jalandhar and other nearby areas. He further stated that the petitioner was coming on motorcycle to supply the heroin in the Kartarpur area and if the nakabandi was conducted, he (petitioner) could be apprehended with a huge recovery

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of heroin. Thereafter, the petitioner was apprehended and detained by ASI Parwinder Singh after conducting nakabandi while riding a Pulsar motorcycle PB-12-M-9142 along with a kit bag on the basis of aforesaid information. The detailed facts mentioned in the aforesaid FIR No. 209 dated 26.12.2019 have been reproduced in its true translation attached with the petition as Annexure P-1, which may kindly be read as part of this paragraph please as same are not repeated for the sake of brevity. That during the personal search of the petitioner in the presence of the then Deputy Superintendent of Police, Sub-Division Kartarpur, Jalandhar (Rural) as per his choice in compliance with section 50 NDPS Act, heroin weighing 01 kilogram and 500 grams was recovered from kit bag kept in his conscious possession of the petitioner by Sub-inspector Nirmal Singh No. 134/JAL-R, which taken into police possession after converting it into parcel by sealing with their seals N.S' and 'S.P' respectively."

5. Counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and the mandatory provisions of NDPS Act were not complied with. Petitioner already undergone custody of four years, 02 months and 16 days as per custody certificate dated 29.07.2025.

6. The State's counsel opposes the bail.

7. The petitioner was granted interim protection after a prolonged custody of more than four years, and during the interregnum, there is no allegation that he had intimidated the witnesses, hampered the trial, or, indulged in crime again. There is no justification to discontinue the interim protection, as such, same is made absolute.

8. Petition allowed. Interim order dated 14.03.2024 is made absolute. All pending applications, if any, stand disposed of.

30.07.2025 (ANOOP CHITKARA)
renubala JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No

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