



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

CRM-M-46395-2025

Date of Decision:-28.08.2025

Gagandeep Kumar @ Bhundi.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Ashish Gupta, Advocate for the Petitioner.

Mr. Harkanwar Jeet Singh, AAG Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this second petition under Section 483 BNSS is for the grant of regular bail to the petitioner in case FIR No.15 dated 16.04.2023 under Sections 21(C) of NDPS Act, 1985 registered at Police Station Dorangla, District Gurdaspur.

2. The instant FIR was registered pursuant to the written communication bearing No.PS/FIR/D-58/2023/221, dated 16.04.2023 received from Company Commander, 'D' Company, 58 BN, BSF, BOP Adhian addressed to SHO, Police Station Dorangla, Gurdaspur, wherein it was informed that. "I the undersigned have the following information to give in respect of recovery of 2 packets suspected to be Heroin (might be related to drone incident occurred on 08.02.2023) in areas of responsibility of D coy of 58 Bn BSF. On 16.04.2023, at about 14:30 HRS, a specific information was received from a local person that 01 suspected package is lying in the



agriculture land which is of one villager namely Jarnail Singh son of Late Balwant Singh (farmer), resident of Bahpur Afgana and was noticed during harvesting of Bhusa/Straw from wheat crop field. Tuntun Kumar, AC Coy Comdr of D coy a/w02 Ors immediately rushed towards the info site and recovered one packet wrapped in packing material black and blue cloth encircled with nylon rope at about 14:40 HRS. POO-Distance is approx. Dist from IB-1100 mtr. Distance 23 from BS fence 900 mtr. Distance from BOP Choura Fid-1-2000 mtrs. BP ref-23/07, Distance from Pak post Takia Khanpurhvd 1950 mtrs GR 262921. Long-320518.95 Lat-751458.64. Details of recovered items have been attached in the form of seizure memo as appendix-1. The recovery was done by Tuntun Kumar, AC Coy Comdr from the agriculture land of Jarnail Singh, who noticed it during harvesting of Bhusa/Straw of wheat crop filed. Sh. Tuntun Kumar, AC, Coy Comdr D Coy of 58 Br BSF a/w 02 Ors and 'G' reached at the spot and found a packet wrapped with black/blue color cloth consisting of 2 packet tied with each other encircled by a nylon rope/wire found lying in the field of the abovesaid farmer. Checking of the suspected packet with the help of narcotics dog was done and the packing material was opened. In the presence of Tuntun Kumar, AC Coy Comdr D Coy of 58 Bn BSF and Insp (G) Ator Singh Yada Offg DCD SHQ Gurdaspur and SHO, Police Station Dorangla Insp. Jitendra Pal Singh. After removing the packing material the following items were recovered (i) 2 packets wrapped in yellow adhesive tape suspected to be Heroin, (ii) Hook attached with nylon rope (length 2 mtr), (iii) Illuminating light made up of plastic, (iv) Black & blue cloth (for packing). After weighing 2 packets alongwith packing material (suspected to Heroin) a total weight of 2.116 Kg was found. Separately both the packets are having weight of 1.058 Kg each. Both the packets were marked as A-1-1.058 KG



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and A-11-1.058 Kg. A request was made to lodge an FIR in this regard against unknown persons.

3. The aforementioned packets of the contraband containing total 2.116 Kg of Heroin and other material were taken into police possession in the presence of Sukhpal Singh, PPS, Deputy Superintendent of Police, Narcotics, Gurdaspur, Jarnail Singh, owner of the fields where from the contraband was recovered, Jagjit Singh, Sarpanch & other BSF officials who were present at the spot in accordance with law by the Investigating Officer Sub Inspector Sulakhan Ram, Police Station Dorangla, Gurdaspur.

4. During the investigation the statement of the abovesaid Jarnail Singh was recorded by the investigating officer, wherein he stated that on 16.04.2023 at about 2:30 PM, he was making hay in his fields, then two suspected packets were found from his fields. The BSF officers had come to the spot and took action. There was a rumour in the area that the abovesaid contraband had come from Pakistan through drone. Previously, on 08.03.2023, when it was informed about the suspicious activity of the drone's arrival, then SHO, Police Station Dorangla had conducted search of his fields in his & Sarpanch Jagjit Singh's presence, but, nothing was recovered. Few days ago, Gagandeep Kumar (petitioner) son of Kans Raj, who is a nephew of Jarnail Singh alongwith his accomplices Bikram Singh (since granted the concession of bail vide order dated 13.08.2025 in CRM-M-32715-2025) & Daljit Singh (since granted bail vide order dated 25.07.2025 in CRM-M-38418-2025) were search for something in the fields of Jarnail Singh. He had asked them about it who had told him that some article of their's had been misplaced.

5. During the investigation of the present case, one person namely Jugraj Singh son of Avtar Singh, resident of Village Sahura Kalan, P.S



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Kalanaur, Gurdaspur was arrested in another case/FIR No.18 dated 27.04.2022. U/s 3/34/20 IP Act, 14 IF Act, 3/4/5 OS Act, 18, 21 NDPS Act, 25 Arms Act, Police Station Dorangla, Gurdaspur. During questioning, in the said FIR No.18, Jugraj Singh made a disclosure statement that (1) Bikramjit Singh @ Bikka (since granted bail vide order dated 13.08.2025 in CRM-M-32905-2025), (2) Gagandeep Kumar Bhundi son of Kan Raj. Rio Baupur Afgana & (3) (pelen) Gurpreet Singh @ Gopi (since granted bail vide order dated 13.08.2025 in CRM-M-32715-2025) have direct links with Pakistani smugglers namely Mian & Bittu. They all had got smuggled 2 packets of Heroin through drone on 08.03.2023 at the location of their village, which were recovered by BSF & police. The above recovered 2 packets of Heroin belong to all of them. Therefore, upon this statement, Bikram Singh @ Bikka, Gagandeep Kumar @ Bhundi & Gurpreet Singh @ Gopi were nominated as accused in the present case/FIR No.15, dated 16.04.2023 vide GD No.13, dated 19.04.2023 by the investigating officer.

6. Bikram Singh @ Bikka, Gurpreet Singh @ Gopi & co-accused who were already arrested in the other case on 27.03.2023 in FIR No.29 dated 26.03.2023 under section 21/23/27A/29 of NDPS Act and Section 66 IF Act, and Section 25 of Arms Act Police Station Kalanaur, District Gurdaspur and were in judicial custody in that case were brought on production warrants on 21.04.2023 and they were formally arrested and taken into custody in the present case with the permission of the Court of Judicial Magistrate, 1 Class, Gurdaspur. Therefore, the petitioner also came to be arrested.

7. The counsel for the petitioner contends that it is case of no recovery having been effected from the petitioner. He is named in the disclosure statement of one Jugraj Singh who is neither an accused nor a



witness in the instant case. There is no other evidence against them. Co-accused Daljit Singh, Gurpreet Singh @ Gopi and Bikram Singh @ Bikka have been granted the concession of bail. As the petitioner is in custody since 16.04.2023, but only 04 of the 18 prosecution witnesses have been examined so far the trial of the present case is not likely to be concluded anytime soon and therefore, he is entitled to the concession of bail.

8. The learned counsel for the State on the other hand contends that the petitioner along with his co-accused were trafficking in drugs and had connections across the border. The nature of the allegations levelled against the petitioner as also the fact that he is an accused in one other case under the NDPS Act does not entitle him to the concession as prayed for. He however concedes that the petitioners are in custody since 16.04.2023, that only 04 of the 18 prosecution witnesses have been examined so far and that 3 co-accused have been granted the concession of regular bail.

9. I have heard the learned counsel for the parties.

10. Admittedly, the petitioner was named in the disclosure statement of Jugraj Singh son of Avtar Singh who is neither an accused nor a witness in the instant case. The evidentiary value of the said statement shall be examined during the course of the Trial. The petitioner is stated to be in custody since 16.04.2023 but only 04 of the 18 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. Further 3 co-accused have been granted the concession of bail. Hence, their further incarceration is not required.

11. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Gagandeep Kumar @ Bhundi** son of Sh. Kans Raj is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate,



concerned.

12. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the cases mentioned in this order.

13. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

14. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

August 28, 2025
Vinay

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