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

CRM-M-53236-2024 (O&M)

Reserved on : 06.03.2025

Pronounced on : 07.03.2025

Gurwinder Singh @ Guri**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Harmanpreet Singh, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

MANISHA BATRA, J.

1. The instant one is the second petition that has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking regular bail in case bearing FIR No. 101 dated 05.09.2023, registered under Sections 21-C, 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) and Section 25 of the Arms Act, 1959 at Police Station Kathu Nangal, District Amritsar (Rural). The first petition, bearing number **CRM-M-60825-2023**, was dismissed as not pressed on 08.12.2023.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 05.09.2023, on receipt of a secret information to the effect that Harpreet Singh @ Lovely, who was involved in drug smuggling with Pakistan through drone and Raavi river and was coming in a car make Grand i-10 bearing registration number PB-02-EL-7922 from the side of Gurdaspur

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to sell heroin, a barrier was laid at the informed place by a police party headed by SI Gopal Singh and he was apprehended while coming in the said car. On search of the car, recovery of 15 kgs. of heroin was effected. On interrogation, co-accused Harpreet Singh @ Lovely disclosed that he along with Gagandeep Singh @ Gaggu @ Haddi, Rahul Singh, Gagandeep Singh and Harpreet Singh @ Happy Jatt were involved in smuggling and sale of heroin. During the course of investigation, the aforesaid car was found to be registered in the name of the present petitioner. He was arrested on 29.09.2023. Some other persons were also arraigned as accused in this case. After completion of necessary investigation and usual formalities, *challan* under Section 173 of Cr.P.C. was presented in the Court and presently, the petitioner along with the co-accused is facing trial for commission of aforesaid mentioned offences.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. He has been nominated in this case since the aforesaid car belonged to him. It is further argued that the petitioner was neither named in the FIR nor there is anything on record to connect him with the subject crime, except the fact that the said car was registered in his name. The petitioner has clean criminal antecedents. He is not involved in any other criminal case. No subsequent recovery was effected from him. Even otherwise, co-accused Gagandeep Singh, who was directly named by the main accused Harpreet Singh @ Lovely, from whom the contraband was recovered, has been granted concession of anticipatory bail by this Court, vide order dated 22.04.2024 passed in **CRM-M-11864-2024**. Even co-accused Shehbaz Singh @ Sunny @ Sehbaj Singh and Sakatar Singh have been granted

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concession of regular bail by this Court, vide orders dated 14.02.2025 and 05.03.2025 passed by this Court in **CRM-M-29594-2024** & **CRM-M-50038-2024**. On the grounds of parity, the petitioner too deserves the benefit of bail. He is in judicial custody since 29.09.2023. Trial is likely to take time. No useful purpose would be served by keeping him in custody anymore. It is, therefore, urged that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State. It is submitted therein and learned Senior Deputy Advocate General, Punjab has argued that the petitioner is not entitled to get benefit of bail as during investigation, it was found that the aforesaid car, from which recovery of contraband was effected, was registered in the name of the petitioner. The trial is going on at a proper pace. Hence, it is urged that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also gone through the record carefully.

6. The petitioner has been nominated in this case on the ground that the car in which co-accused Harpreet Singh @ Lovely was found travelling and from which recovery of aforesaid contraband was effected was found to be registered in the name of the present petitioner. Apart from this, nothing incriminating has been found against the petitioner as no contraband whatsoever is shown to have been recovered from him subsequently. He is not involved in any criminal case and has clean criminal antecedents. There is no independent witness linking the petitioner directly to the transportation of the contraband. His mere ownership or connection to the aforesaid vehicle does

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not conclusively imply his knowledge or actual involvement in the subject crime. Hence, it will be a question of debate as to whether the petitioner was involved in the commission of alleged offence or not? Even otherwise, co-accused Gagandeep Singh, who was directly named by the main accused Harpreet Singh @ Lovely, has been granted concession of anticipatory bail, whereas co-accused Shehbaz Singh @ Sunny @ Sehbaj Singh and Sakatar Singh have been granted concession of regular bail by this Court, as mentioned above. The petitioner is in custody since 29.09.2023. Although, *challan* has been presented but no prosecution witness has been examined so far, which means that the trial is substantially delayed. Keeping in view the aforesaid facts and circumstances, I am of the considered opinion that no useful purpose would be served by keeping the petitioner in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

7. 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.

07.03.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No