



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

211

CRM-M-50385-2025 (O&M)

Date of decision: 12.09.2025

Gurwinder Singh @ Gindi

...Petitioner(s)

VERSUS

State of Punjab

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. K.B.S. Mann, Advocate for the petitioner(s).

Mr. Mohit Kapoor, Sr. DAG Punjab.

VINOD S. BHARDWAJ, J. (Oral)

The instant 6th petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for the grant of regular bail in FIR bearing No.254 dated 07.11.2019, registered under Sections 21 and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Civil Lines, District Bathinda.

2. Counsel for the petitioner contends that the petitioner has been falsely implicated in the present case on the *ruqa* sent by SI Tejinder Singh, who stated as under:

“Copy of ruqa, Station House Officer Police Station Civil Lines Bathinda Jai Hind. Today I, Sub Inspector alongwith Assistant Sub Inspector Harjinder Singh 1155, Head Constable Gurmeet Singh 952, Head Constable Kamaljit Singh 978, Head Constable Gurpreet Singh 402, L/Head Constable Virinder



Kaur 1883, Lady Constable Jaswinder Kaur 1664, Constable Sher Bahadar 1994 on a Government vehicle make Tavera bearing registration number PB-65-D-7389 which was being driven by C-2 Kamaldeep Singh 1978 for patrolling and checking suspicious persons, checking suspicious vehicles, checking intoxicating substance. In this regard by starting from CIA Staff-2 Bathinda by going through ITI round about to Mansa road were going towards Kotshmir when police party was behind under the bridge then at about 06:00 P M. on the left side of the road besides under bridge on the katcha passage going besides one car Zen white color was found parked in the suspicious circumstances. The light was glowing inside the car. Then I, Sub Inspector on account of suspicion went near the abovementioned Zen car and saw four young men were sitting and all were holding one polythene bag of white color in their hand and after opening the polythene bag they were looking at the substance in the polythene bag and on the front seat of the car a girl was sitting who got perplexed upon seeing the vehicle of the police party and kept the polythene bag near the gear which they were holding in their hand after folding it. In the meantime from the front side on the katcha passage from village Phus Mandi Dharampal Singh son of Darshan Singh resident of Baweawali Street Guru Nanak Pura Mohalla Bathinda came on the Pulsur motor cycle who was informed



about the circumstances and was joined in the police party and the identity of the young men and girl sitting in the white Zen car bearing registration number PB-03-AW-1683 was inquired one by one. Then the young man sitting on the driver seat disclosed his identity as Gurwinder Singh alias Gindi son of Harmail Singh son of Ghuman Singh resident of Patti Killa Bar village Tungwali Police Station Nathana and the girl sitting on the seat beside the driver disclosed her identity as Amanpreet Kaur daughter of Jasveer Singh son of Sukhdev Singh resident of Mohalla road village Jassi Bagh Wali police station Sangat and the young man sitting on the rear seat behind the driver disclosed his identity as Manpreet Singh alias Preet son of Rajinder Singh son of Beer Singh resident of Patti Soul village Mehraj police station City Rampura, the young man sitting on the center of the rear seat disclosed his identity as Hargobind Singh alias Gora son of Kirpal Singh son of Barian Singh resident of Jassi Pau Wali police station Sadar Bathinda and the young man sitting on the left side of the rear seat disclosed his identity as Jasveer Singh alias Chitti son of Nachhattar Singh son of Surjan Singh resident of near Raikhana Bus Stand village Tungwali police station Nathana. Then I, Sub Inspector issued notice under Section 50 of the NDPS Act to the above mentioned young men and a girl and informed them about my rank and posting one by one that I Sub Inspector Rajinder



Singh number 539/Bathinda posted at CIA Staff-2 Bathinda that I have suspicion that you have kept intoxicated substance in white polythene bag in your possession so I have to search you and the car in your possession bearing registration number PB-03-AW-1683 which is to be done under the NDPS Act but as per law you have a right to get yourself, the car in your possession and the polythene bag kept inside the car searched from some Magistrate or some Gazetted Officer who can be called at the spot or you can be taken to them and above mentioned young men and abovesaid girl read and heard the notice one by one who after hearing and reading and finding it to be correct put their notice under the notice and witness is also signed. Then abovesaid young men and girl one by one gave their consent to I, Sub Inspector that we want to get themselves, their car and white color polythene bag be searched from some Gazetted Officer. Thereupon separate memos were prepared, were reduced into writing word by word and were read over to them who put their signatures on their own memos. Witnesses also put their signatures then I, Sub Inspector made a phone call from my mobile number 90239-54000 to Control Room Bathinda to phone number 75080-18100 and requested to send some Gazetted Officer at the spot. Then at about 07:30 P.M. Sh. Ashwant PPS/DSP City-2 Bathinda alongwith officials on Government vehicle Balero



bearing registration number PB-65-AS-7057 came on the spot. I, Sub Inspector informed him about the circumstances then Sh. Ashwant PPS/DSP City-2 Bathinda has given turn by turn notice under Section 50 of the NDPS Act to accused Gurwinder Singh alias Gindi, Manpreet Singh alias Preet, Hargobind Singh alias Gora, Jasveer Singh alias Chitti abovesaid and informed that I, Ashwant PPS/DSP posted at City-2 Bathinda and I am the Gazetted Officer of Punjab Government. I am wearing the dress of rank of Deputy Superintendent of Police and I have my name plate on it. So the search of you, the car bearing registration number PB-03-AW-1683 in your possession and white color polythene bag under the NDPS Act and told them you have a legal right to get yourself search from some Gazetted Officer or Magistrate. You can be taken to them. Thereupon abovesaid accused turn by turn given their consent to Deputy Superintendent of Police and said that we have faith on you. You can do search of us, the car in our possession and polythene bag lying inside the car under the NDPS Act. Thereupon the consent memos of abovesaid accused persons were prepared turn by turn. The memos were signed by witnesses and abovesaid accused also put their signatures on the memos. Then on the instructions of Deputy Superintendent of Police 1. Sub Inspector took out the polythene bag white color which was lying near the gear box from the car in their



possession and checked it. Then from the polythene bag heroin was recovered. Then I. Sub Inspector weighed the contraband with the computer scale which came out to be 350 grams heroin alongwith polythene bag which was kept in same polythene bag and thereafter was kept it in the plastic box and the parcel was prepared. Parcel of plastic box containing heroin were sealed by I. Sub Inspector with seal bearing impression 'TS' sample seal was prepared separately. I after using the seal tried to handed over to private witness Dharampal Singh who showed his difficulty to keep the seal with him. Then seal was handed over to Assistant Sub Inspector Harwinder Singh 1155, recovered car make Zen was checked and could not found any documents with regard to its ownership and the car was having chassis number 709406 and engine number 239363. Then I, Sub Inspector took the parcel plastic box containing heroin weighing 350 grams duly seal and sample seal and car make Zen number mentioned above was taken into police possession vide separate memos. Memos were signed by witness and Deputy Superintendent of Police also signed as witness. Then on the instructions from Deputy Superintendent of Police I. Sub Inspector conducted the personal search of the accused Gurwinder Singh alias Gindi, Manpreet Singh alias Preet, Hargobind Singh alias Gora, Jasveer Singh alias Chitti abovesaid. Then from Gurwinder Singh alias Gindi one mobile



phone make MI black color alongwith one sim make Jio and rupees one thousand currency notes were recovered from accused Manpreet Singh alias Preet no cash or anything was recovered, from accused Hargobind Singh alias Gora rupees five hundred currency notes were recovered, accused Jasveer Singh alias Chitti one mobile phone make Samsung black color alongwith one sim make Airtel and the personal search of Amanpreet Kaur was conducted by Head Constable Veerinder Kaur by keeping her honor intact from her one mobile phone make Lava color silver/black alongwith one sim make Airtel were recovered which were taken into police possession vide separate personal search memos. Accused Gurwinder Singh alias Gindi, Amanpreet Kaur, Manpreet Singh alias Preet, Hargobind Singh alias Gora, Jasveer Singh alias Chitti abovesaid by keeping heroin in the Zen car in their possession have committed an offence under Sections 21/25/61/85 of NDPS Act. Therefore ruqa is being sent for registration of a case against Gurwinder Singh alias Gindi, Amanpreet Kaur, Manpreet Singh alias Preet, Hargobind Singh alias Gora, Jasveer Singh alias Chitti through Head Constable Kamaljit Singh 978 to police station.”

3. Learned counsel appearing on behalf of the petitioner contends that the petitioner has undergone the actual custody of more than 5 years and 9 months and the trial in the present case has not yet concluded. He contends



that the petitioner had earlier approached this Court by filing CRM-M-46323-2022 seeking grant of regular bail, which was disposed of vide order dated 24.11.2022 with a direction to the trial Court to conclude the proceedings within a period of six months from the date of the said order. He further submits that the period was subsequently extended up to 30.11.2023 for completion of the trial. It is urged that despite the lapse of nearly two years from the final extension so granted, the trial has still not been concluded.

4. Learned State counsel, however, submits that the prosecution evidence in the present case stood concluded in the year 2023 and the statement of the accused under Section 313 Cr.P.C. was recorded in February 2024. It is further contended that the delay in conclusion of the trial is attributable to the accused persons themselves, as they have either failed to appear before the Court or have not advanced arguments.

5. Counsel for the petitioner, however, submits that the petitioner is presently in custody and cannot be held responsible for the delay in conclusion of the trial. He contends that the remaining co-accused, who are on bail, have been moving applications for exemption and seeking adjournments, as a result thereof the final adjudication has not been done.

6. Taking into consideration the state of trial, I do not deem it a fit and appropriate ground for grant the concession of regular bail to the petitioner at this stage, however, at the same time it is noticed by this Court notwithstanding the timeline having been granted by this Court to conclude the trial upto 30.11.2023, the needful has not been done. Let a copy of this



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order be sent to the Sessions Judge, Bathinda for taking appropriate steps and to apprise the Special Judge about earlier orders passed by this Court and to take appropriate measures for an early conclusion of the pending trial.

7. The present petition is dismissed at this stage.

(VINOD S. BHARDWAJ)
JUDGE

12.09.2025

Mangal Singh

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