

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-52427-2025
Reserved on: 01.10.2025
Pronounced on: 27.10.2025

Gurdeep Singh @ Deepu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Kanwaljeet Singh, Advocate
for the petitioner.

Mr. Jasdev Singh Thind, D.A.G., Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
9	04.03.2025	City Payal, District Khanna, Ludhiana	22 of NDPS Act, 111(2) BNS

1. The petitioner, incarcerated in the FIR captioned above, has come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. Per paragraph 14 of the bail application and custody certificate, the petitioner has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offences	Police Station
1.	1	01.01.2024	22 of the NDPS Act	Maloud
2.	150	01.12.2024	21 of the NDPS Act	Dehlon
3.	13	12.02.2017	22 of NDPS Act	Shambu

3. The facts and allegations are taken from paragraphs 2 to 7 of the short reply filed by the State, which reads as follows:

“2. That the brief facts of the case are that on 04.03.2025, a police party of Police Station Payal, led by ASI Hardam Singh, was travelling from Police Station Payal towards Grain Market, Payal, conducting patrol and checking suspected persons. At approximately 05:25 PM, while patrolling near the closed rooms at Grain Market, the police party saw 3 individuals sitting beside the wall of one of the closed rooms, conversing among themselves. Upon noticing the police presence, all 3 persons immediately became alert and stood up. Out of them, two hair-cut individuals took out polythene bags from their trouser pockets and threw them onto the grass. The said persons were apprehended by the police. Upon inquiry, two hair-cut disclosed their

identity as Manish Kumar Tandon @ Mani, Krishan Kumar @ Gauri, and third individual disclosed himself as Gurdeep Singh @ Deepu (present petitioner).

3. That thereafter, the Investigating Officer informed the said individuals that he suspected some intoxicant substance in the polythene bags that had been thrown by them. Therefore, he wanted to conduct both the personal search of the accused as well as the search of the discarded polythene bags.

4. That thereafter a valid offer was given to all of them, to get their search conducted in the presence of some Gazzeted officer or Magistrate. Thereupon, the said accused posed faith on the investigating officer. Thereafter, ASI Hardam conducted the personal search of all the accused Manish Kumar Tandon, Krishan Kumar @ Gauri, and Gurdeep Singh @Deepu (present petitioner), along with the search of their personal belongings, i.e., the polythene bag they had discarded. Upon searching the accused Manish Kumar and Krishan Kumar @ Gauri, no cash or drug money was recovered from both of them. Upon searching, the accused Gurdeep Singh @ Deepu (present petitioner), drug money of Rs. 2000/- was recovered from him, which he later accepted that he received the same by selling 4 strips of intoxicant to co-accused Manish Kumar Tandon and Krishan Kumar @ Gauri. Upon opening the said bag recovered from Manish Kumar Tandon, Zapiz-0.25 tablets, whose salt was Clonazepam, were recovered. On counting, a total of 02 strips, each containing 20 tablets, amounting to 40 intoxicant tablets, having batch number K-2400542, were found.

5. That thereafter, upon opening the said bag recovered from Krishan Kumar @ Gauri, Zapiz-0.25 tablets whose salt was Clonazepam were recovered. On counting, a total of 02 strips, each containing 20 tablets, amounting to 40 intoxicant tablets, having batch number K-2400542, were found. Therefore, total of 80 intoxicant tablets were recovered.

6. That the sample of recovered contraband was sent to the Forensic Science Laboratory (FSL) for chemical examination. As per the FSL report, the ingredient 'Clonazepam' was found present in the recovered contraband. The average weight of tablet was 79mg/tablet. A copy of the FSL report is annexed as Annexure R-1.

7. That after completion of the investigation, the challan was presented before the Ld. Trial Court on 03-05-2025 against Manish Kumar Tondon, Krishan Kumar @ Gauri, and Gurdeep Singh @ Deepu (present petitioner), U/s 22, 27, 27-A NDPS Act and section 111 (2) BNS. The prosecution cited 10 witnesses. The Charge was framed on 03-07-2025 U/s 22, 27-A, 27 of NDPS Act, and Section 111(2) of BNS against Manish Kumar Tondon, Krishan Kumar @ Gauri, and Gurdeep Singh @Deepu (present petitioner). Now the case is pending for prosecution evidence and fixed for 20-10-2025.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The petitioner's counsel submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the

petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, or commits any offence under the NDPS Act, where the quantity involved is more than half of the intermediate, or commercial quantity, or violates S. 19, or 24, or 27-A of the NDPS Act, the State may file an application to revoke this bail before the concerned Special Judge or Sessions Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

6. The State’s counsel opposes bail and refers to the short reply.
7. In *Maulana Mohd Amir Rashadi v. State of U.P.*, (2012) 3 SCC 382, Hon’ble Supreme Court holds,

[10] It is not in dispute and highlighted that the second respondent is a sitting Member of Parliament facing several criminal cases. It is also not in dispute that most of the cases ended in acquittal for want of proper witnesses or pending trial. As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.

8. In *Paramjeet Singh v. State of Punjab*, 2022:PHHC:003983 [Para 8], CRM-M 50243 of 2021, this court observed,

While considering each bail petition of the accused with a criminal history, it throws an onerous responsibility upon the Courts to act judiciously with reasonableness because arbitrariness is the antithesis of law. The criminal history must be of cases where the accused was convicted, including the suspended sentences and all pending First Information Reports, wherein the bail petitioner stands arraigned as an accused. In reckoning the number of cases as criminal history, the prosecutions resulting in acquittal or discharge, or when Courts quashed the FIR; the prosecution stands withdrawn, or prosecution filed a closure report; cannot be included. Although crime is to be despised and not the criminal, yet for a recidivist, the contours of a playing field are marshy, and graver the criminal history, slushier the puddles.

9. As per paragraph 8A of the short reply, the contraband is 80 tablets containing Clonazepam, and as per the FSL report, the average weight is 79 mg. Thus, the total weight of 80 tablets is 6320 milligrams.
10. Dealing in 6320 milligrams of Clonazepam in contravention of the NDPS Act, 1985, constitutes an offense under the following provisions and notifications:

Substance Name	CLONAZEPAM
Quantity detained	6320 Milligram
Punishable U/s	S.22(b) of NDPS Act, 1985

Quantity type	Intermediate
Drug Quantity in % to upper limit of Intermediate	6.32%

Drug's Small & Commercial Qty. suggested by Committee report	
Notification No. & date	Expert Committee Report dated 24.03.1995 & 23.08.2001 (Small and Commercial)

<i>Specified as small & Commercial in S.2(viia) & 2(xxiii) NDPS Act, 1985</i>		
Notification No. & dated	S.O.1055(E)	10/19/2001
Sr. No.	189	
Common Name (Name of Narcotic Drug and Psychotropic Substance (International non-proprietary name (INN)	CLONAZEPAM	
Other non-proprietary name	*****	
Chemical Name	5-(o-chlorophnyl)-1,3-dihydro-7-nitro-2H-1,4-benzodiazepin-2-one	
Small Quantity	< 5 Gram (i.e. equivalent to 5000 Milligram)	
Commercial Quantity	> 100 Gram (i.e. equivalent to 100000 Milligram)	

Declared as punishable under NDPS Act and as per schedule defined in S.2(xi) & 2(xxiii) NDPS Act, 1985		
Notification No. & dated	NDPS Act, 1985 (61 of 1985), S.O. 821(E)	11/14/1985

Sr. No.	38	
Common Name (Name of Narcotic Drug and Psychotropic Substance (International non-proprietary name (INN)	CLONAZEPAM	
Other non-proprietary name	*****	
Chemical Name	5-(o-Chlorophenyl)-1, 3-dihydro-7-nitro-2H-1, 4-benzodiazepin-2-one	

11. The quantity allegedly involved in this case is not commercial. Given this, the rigours of S. 37 of the NDPS Act do not apply in the present case.

12. As per paragraph 9 of the bail petition, the petitioner has been in custody since 04.03.2025. Per the custody certificate dated 30.09.2025, the petitioner's total custody in this FIR is 6 months and 23 days. It means his custody as of date is around 8 months. Given the period of custody and quantity of contraband and judicial precedent in para no.7 and 8 of this order, criminal antecedents are not a hurdle in granting bail to the petitioner.

13. Given the penal provisions invoked, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

14. Without commenting on the case's merits, in the facts and circumstances unique and peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

15. Given the above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above, subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate or duty Magistrate, with or without sureties, with a maximum bond amount not to exceed INR 10,000.

16. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, the surety is capable of producing the accused. However, instead of surety, the petitioner may provide a fixed deposit of INR 10,000/-, with a clause that the interest shall not be accumulated in FD, either drawn from a State-owned bank or any bank listed on the National Stock Exchange and/or Bombay Stock Exchange, in favour of the "Chief Judicial Magistrate" of the concerned Sessions Division; or a fixed deposit made in the name of the petitioner, with similar terms and with endorsement from the banker stating that the FD shall not be encumbered or redeemed without the permission of the concerned trial Court, or until the surety bond has been discharged.

17. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case, or dissuade them from disclosing such facts to the Police or the Court.

18. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

19. It is clarified that this bail order shall not be considered as a blanket bail order in

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any other matter and is only limited to granting bail in the FIR mentioned above.

20. In Amit Rana v. State of Haryana, CRM-18469-2025 [in CRA-D-123-2020, decided on 05.08.2025], a Division Bench of Punjab and Haryana High Court in paragraph 13, holds that “To ensure that every person in judicial custody who has been granted bail or whose sentence has been suspended gets back their liberty without any delay, it is appropriate that whenever the bail order or the orders of suspension of sentence are not immediately sent by the Registry, computer systems, or Public Prosecutor, then in such a situation, to facilitate the immediate restoration of the liberty granted by any Court, the downloaded copies of all such orders, subject to verification, must be accepted by the Court before whom the bail bonds are furnished.”

21. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

27.10.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.