



CRM-M-58639-2025 (O&M)

-1-

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

242

CRM-M-58639-2025 (O&M)

Date of decision: 13.11.2025

Gursewak Singh @ Guri

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Aditya Anand, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J (ORAL):-

1. The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 38 dated 01.03.2025 registered under Sections 21(c), 29 and 27-A of Narcotic Drugs and Psychotropic Substance Act, 1985 (for short '*NDPS Act*') [Section 238 of BNS, 2023 added later on] at Police Station Chheharta, District Police Commissionerate Amritsar.

2. Brief facts of the case relevant for the disposal of the present petition are that on 01.03.2025, a police party headed by ASI Tejvir Singh was present at Nakhaan Wale Bagh near Chheharta bypass, when two persons were found having conversation with each other. One of them was carrying a polythene envelope in his hand. On noticing the police party, they tried to escape but were apprehended. They disclosed their names as



‘Amandeep Singh @ Sonu’ and ‘Pawan Kumar @ Gora’. On opening the envelope, 265 grams of heroin was found to be kept in the same, which was taken into possession.

3. As per the further allegations, during investigation both the above named co-accused suffered disclosure statements that they had purchased the recovered contraband from co-accused Jyoti and also that the contraband recovered from them was to be purchased by co-accused Ranjit Kumar and Simranjit Singh and they had to further sell the same to co-accused Harman Singh. On the basis of the same, co-accused Jyoti, Ranjit Kumar, Simranjit Singh and Harman Singh were nominated in this case as accused. On arrest of co-accused Harman Singh, he suffered a disclosure statement to the effect that his cousin was also indulged in the illegal business of sale/purchase of heroin and he used to supply heroin on the asking of the present petitioner. On the basis of the same, the petitioner was nominated in this case and was arrested on 11.03.2025. Some other accused were also arrested. Investigation now stands completed and challan has been filed.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of the disclosure statement suffered by the above named co-accused, which cannot be considered to be admissible in evidence. He was not named in the FIR. No recovery has been effected from him. He was in custody in some other case as on the date of occurrence and had no connection with the alleged recovery of with co-accused Harman Singh. There is no call detail record to connect him with the co-accused or with the subject crime. Co-accused Harman Singh has



been granted concession of bail by this Court. Even co-accused Jyoti and Ranjit Kumar have been granted the concession of bail by this Court. On parity, the petitioner too deserves the same benefit. Conclusion of trial is likely to take time. He is in custody since long. No useful purpose would be served by keeping him in custody anymore. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on regular bail.

5. Per contra, learned State counsel has argued that keeping in view the gravity of the allegations levelled against the petitioner, he is not entitled to get benefit of bail. It is, thus, argued that the petition is liable to be dismissed.

6. This Court has heard the submissions made by both the sides.

7. The petitioner has been nominated in this case on the basis of the disclosure statement suffered by the above named co-accused, who himself was nominated based on the disclosure statement suffered by another co-accused. The petitioner is in custody since 11.03.2025. No recovery has been effected from him. Above named three co-accused, against whom there were graver allegations, have been granted concession of bail by this Court. Investigation has since been completed and challan has been filed. Conclusion of trial is likely to take considerable time. Pendency of other cases against the petitioner cannot be made a ground for denying him the concession of bail. Keeping in view the aforesaid facts and circumstances, this Court is 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.

9. 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.

[MANISHA BATRA]
JUDGE

13.11.2025
Waseem Ansari

- | | | |
|-------------------------------|---|----------|
| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |