



CRM-M-57078-2025

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**228 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-57078-2025
Date of Decision: 22.12.2025

Gurpreet Singh @ Pitti

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Kulwinder Singh, Advocate, for the petitioner.
Mr.Raj Karan Singh, AAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for grant of regular bail to the petitioner in a case FIR No.186 dated 04.12.2024, registered under Section 21(c) of NDPS Act, 1985 (Section 27 of the NDPS Act added lateron), at Police Station Special Task Force Mohali, District STF Wing.

2. Succinctly, facts of the case are that on 04.12.2024, the police party while on patrolling received a secret information to the effect that Gurpreet Singh @ Peeti (petitioner) is involved in selling heroin and intoxicants. It was informed that he is exploiting young boys for selling the heroin and intoxicants. In case of raid, the persons could be arrested alongwith the contraband with which these young boys are dealing. On receiving the information, the raiding team reached at the place as disclosed. A young boy holding a black coloured polythene bag was seen standing there. On seeing the police, he got perplexed and tried to run away, but the police apprehended him. On asking, he disclosed his name to be Jaspreet Singh @ Kamal. He was suspected to be carrying some contraband in the polythene bag being carried by him. Thus, search of the polythene bag was



conducted. On conducting search of the same, 300 grams of heroin was recovered. He failed to produced any licence regarding the possession of the same, and thus, on registration of the FIR, he was arrested. The investigation commenced. Samples taken were sent to the FSL. During the investigation raid was conducted to search the petitioner and thus, he was arrested on 15.03.2025 and 09 grams of heroin was received from him. On completion of investigation, challan was presented and on framing of charges, the trial commenced. The petitioner approached the Court of learned Judge, Special Court, Mansa praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 02.09.2025. Hence, the petitioner has approached this Court praying for grant of regular bail by way of filing the present petition.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely and frivolously implicated in the present case. He submits that the FIR was registered on the basis of secret information and there is a blatant violation of Section 42 of the NDPS Act. He submits that even otherwise recovery of 300 grams of heroin was effected from co-accused Jaspreet Singh @ Kamal and not from the petitioner. It is only to implicate the petitioner, recovery of 09 grams of heroin has been planted upon him. He submits that time and again the petitioner has been implicated in false cases and thus, he is facing prosecution in ten other cases, however, he is on bail in all those cases. He submits that the alleged recovery effected from the petitioner is 09 grams of heroin, which is a non-commercial quantity and thus, provisions of Section



37 of NDPS Act are not attracted. He, thus, submits that the petitioner deserves to be granted bail.

4. *Per contra*, learned State counsel has vehemently controverted the submissions made by counsel for the petitioner. It is submitted that the secret information was regarding the petitioner and it is during the raid, 300 grams of heroin was recovered from co-accused Jaspreet Singh @ Kamal and thereafter, from the personal search of the petitioner, 09 grams of heroin was effected from him. He submits that total recovery effected in the present case is a commercial quantity one and thus, provisions of Section 37 of the NDPS Act, are attracted. On instructions, he has submitted that out of total 28 prosecution witnesses, one witness has been examined till date. He has placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the FIR in the present case was registered on the basis of secret information. 300 grams of heroin was effected from co-accused Jaspreet Singh @ Kamal. So far the petitioner is concerned, as per the case of the prosecution 09 grams of heroin has been recovered from him. As submitted before this Court, one witness has been examined out of 28 prosecution witnesses. The custody certificate would show that the petitioner has suffered incarceration of 09 months & 03 days as on 20.12.2025. It further shows that the petitioner is facing prosecution in 16 other cases, however, he is on bail in all cases except one case. Whether the argument advanced by both the sides regarding quantity of contraband being commercial or non-commercial, would lie in the domain of the trial Court.

6. As held by the Hon'ble Supreme Court in ***Mohd Muslim @***



Hussain Vs. State (NCT of Delhi), 2023 LiveLaw(SC)260, this Court is of the opinion that the case of the petitioner is covered by the ratio of law laid down by the Hon'ble Supreme Court. In the abovesaid case Hon'ble Supreme Court expressed its views as under:-

19. A plain and literal interpretation of the conditions under Section 37 (i.e., that Court should be satisfied that the accused is not guilty and would not commit any offence) would effectively exclude grant of bail altogether, resulting in punitive detention and unsanctioned preventive detention as well. Therefore, the only manner in which such special conditions as enacted under Section 37 can be considered within constitutional parameters is where the court is reasonably satisfied on a prima facie look at the material on record (whenever the bail application is made) that the accused is not guilty. Any other interpretation, would result in complete denial of the bail to a person accused of offences such as those enacted under Section 37 of the NDPS Act.

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21it would be important to reflect that laws which impose stringent conditions for grant of bail, may be necessary in public interest; yet, if trials are not concluded in time, the injustice wrecked on the individual is immeasurable.

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23. There is a further danger of the prisoner turning to crime, "as crime not only turns admirable, but the more professional the crime, more honour is paid to the criminal"²² (also see Donald Clemmer's 'The Prison Community' published in 1940²³). Incarceration has further deleterious effects - where the accused belongs to the weakest economic strata: immediate loss of livelihood, and in several cases, scattering of families as well as loss of family bonds and alienation from society. The courts therefore, have to be sensitive to these aspects (because in the event of an acquittal, the loss to the accused is irreparable), and ensure that trials – especially in cases, where special laws enact



stringent provisions, are taken up and concluded speedily.'

7. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

8. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

9. It is being clarified that in case the petitioner does not furnish bail/surety bonds within a period of one week from today, his custody will not be counted in the present case after one week.

10. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

22.12.2025

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Whether Speaking/Reasoned :
Whether Reportable :

Yes/No
Yes/No