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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-64546-2023
Date of decision:-25.03.2025

GURWINDER SINGH @ GABBA
... Petitioner
Versus
STATE OF PUNJAB
... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Ms. Apoorva Walia, Advocate for
 Mr. Saurav Bhatia, Advocate for the petitioner.

 Mr.Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J. (ORAL)

Learned State counsel has filed reply by way of an affidavit dated 24.03.2025 of Deputy Superintendent of Police, Sub-Division Garshankar, the same is taken on record, copy thereof, has been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
107	29.06.2023	22 of NDPS Act (29 of NDPS act added lateron)	Garshankar, District Hoshiarpur

3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the present



case. She contends that the petitioner has no concern whatsoever with the alleged recovery and is in custody since 29.06.2023 and after completion of investigation challan has already been presented in Court, and conclusion of trial will take sufficient long time. Hence, prays for grant of regular bail to the petitioner.

4. *Per contra*, learned State counsel referring to the reply submitted by the State has opposed the bail petition by arguing that during search, petitioner and co-accused Sarabjit Singh @ Sabi were apprehended and from their possession 13 injections and 12 injections respectively of intoxicants were recovered and as per FSL report the recovered intoxicant injections contained Buprenorphine Hydrochloride and the quantity of the same falls within the purview of commercial quantity, which attracts Section 37 of the NDPS Act, as such, the petitioner is not entitled to the concession of bail. Hence, prayed for dismissal of the regular bail petition.

5. After considering the rival contentions and perusing the record, it transpires that the instant FIR was registered by the police to the effect that while on patrolling police apprehended two young men and during investigation 13 injections of intoxicant were recovered from co-accused Sarabjit Singh @ Sabi and 12 injections without label were recovered from the present petitioner. As per FSL report dated 21.08.2023 the recovered intoxicant contains salt Buprenorphine Hydrochloride, 23.929 grams, which falls within the purview of 'commercial quantity' and attracts bar under Section 37 of the NDPS Act. Considering the nature and gravity of the offence, and



also the fact that the recovered contraband falls within the purview of ‘commercial quantity’, attracting bar under Section 37 of the NDPS Act, no case is made out in favour of the petitioner for grant of regular bail at this stage, as a consequence, the petition is hereby dismissed.

6. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

25.03.2025

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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No