



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

218-2

**CRM-M-61683-2024
Decided on : 30.01.2025**

Gurpreet Singh @ Gora

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Abhaysher Singh, Advocate
for the petitioner(s).

Mr. Amandeep S. Samra, AAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023, for grant of regular bail to the petitioner – Gurpreet Singh @ Gora, who has been booked for having committed the offence punishable under Sections 21(c) of the NDPS Act, 1985 (Section 29 of NDPS Act and Section 473 of IPC, added later on), in FIR No. 09, dated 21.01.2024, registered at Police Station City Jalalabad, District Fazilka, Punjab (Annexure P-1), during the pendency of trial.

2. As per the allegations, recovery of 600 grams of 'Heroin' was effected from a bag, which was attached with the motorcycle bearing registration No.PB-61-C-4894. Said motorcycle was being driven by one Gurmej Singh @ Bittu and Gurpreet Singh @ Gora (petitioner herein) was the pillion rider.

3. Counsel for the petitioner submits that petitioner is the resident of Village Lakha Singh Wala Hithar, whereas, co-accused Gurmej Singh @



Bittu is the resident of Village Swai Ke Bhokhri. Both the villages fall in District Ferozepur, but the recovery of contraband effected from the bag attached with the motorcycle, is not connected in any manner with the present petitioner. At this stage, it cannot be ascertained whether the petitioner was actually having conscious possession of the contraband without there being any knowledge to him.

4. Further submits that petitioner is inside jail for the last more than one year and even till date, trial has not commenced. Besides, petitioner is a young man of the age of 24 years and there is no previous history of his involvement in the similar kind of activities. Furthermore, the trial is unlikely to conclude in the near future. Hence, counsel for the petitioner prays for the concession of regular bail.

5. *Per contra*, the learned State counsel, while vehemently opposing the submissions of the learned counsel for the petitioner, submits that since the petitioner was riding the same motorcycle from which the recovery of contraband was effected, the defense put forth by the learned counsel for the petitioner at this stage is not worth consideration for the purpose of his plea for bail.

However, the learned State counsel does not dispute the fact that, after the framing of charges, the trial is yet to commence. Out of total 15 prosecution witnesses, none has been examined so far. Learned State counsel also accepts that the petitioner has been inside jail for more than one year and he is not involved in any other case under the NDPS Act.

6. After hearing counsel for both the sides and the considering the submissions recorded here-in-above, and also examining the record & documents available on the case file, I do find that it is a fit case for granting



concession of regular bail to the petitioner.

7. Consequently, the prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail in this case, subject to his furnishing bail/surety bonds to the satisfaction of the learned Trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

8. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

9. The observation made here-in-above shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of evidence available on record.

10. It is further made clear that if in future petitioner is found indulged in similar kind of activities, prosecution would be at liberty to seek cancellation of bail in the present case.

11. Petition stands **disposed of**.

(SANJAY VASHISTH)
JUDGE

January 30, 2025

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*