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

CRM-M-63890-2024**Date of Decision:26.05.2025**

Gurwinder Singh alias Gindu

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Prateek Pandit, Advocate
for the petitioner.

Mr. Ravneet Singh Joshi, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.54 dated 25.04.2021 registered under Sections 21(c), 25, 29 of NDPS Act, at Police Station Special Task Force, SAS Nagar, Mohali.

2. Learned counsel for the petitioner contends that the petitioner was wrongly named by the complainant in the present case only on the basis of suspicion. Even as per the case of the prosecution, Karam Singh @ Kama had procured the contraband from Pakistan and had kept it at the house of Manjit Kaur, his sister. Even a raid was allegedly conducted at the house of Manjit Kaur and the entire recovery was made from her house. Again surprisingly, Manjit Kaur has not been arrayed as an accused in the present case. He further refers to Annexure P-2 to contend that Karam Singh @ Kama has already been admitted to bail by this Court and the case of the petitioner is on better footing. He also submits that Tarsem Singh @ Sema has also been granted the

concession of bail by this Court, vide order dated 06.08.2024 (Annexure P-3).

The petitioner was arrested in the present case on 07.06.2022 and is in custody for the last about 03 years.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner and he does not deserve the concession of bail by this Court.

4. I have heard the learned counsel for the parties and perused the record.

5. In the present case, the petitioner was arrested on 07.06.2022 and is in custody since then. Only 02 witnesses, out of total 22 witnesses, have been examined so far and the trial is not likely to conclude in near future. Apart from that, the co-accused, namely, Karam Singh @ Kama and Tarsem Singh @ Sema have already been granted the concession of bail by this Court, vide orders (Annexures P-2 and P-3).

6. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned, subject to the following conditions:-

(i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.

(ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.

(iii) *The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.*

(iv) *The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.*

(v) *The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.*

(vi) *In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.*

(vii) *The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.*

(N.S.SHEKHAWAT)
JUDGE

26.05.2025
hemlata

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No