



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

229

CRM-M-64997-2024 (O&M)
Date of decision: August 27, 2025

GURLAL SINGH

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Brijesh Nandan, Advocate
for the petitioner.

Mr. G.S. Fateh, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in case FIR No.10 dated 24.04.2023 under Sections 21, 25, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station State Special Operation Cell Amritsar (District Intelligence Wing) (CID), District Amritsar (Annexure P-1).

2. Learned counsel for the petitioner, at the very outset, submits that the petitioner is entitled to the concession of bail on the ground of parity with co-accused Gurdev Singh, who has already been extended the concession of bail by a Coordinate Bench of this Court vide order dated 02.07.2025. It is contended that the petitioner stands on the same footing as the co-accused, and that in addition to the plea of false implication, the trial is proceeding at a sluggish pace, with as many as 11 prosecution witnesses still remaining to be examined.



3. *Per contra*, learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite. It is submitted that although the co-accused has been released on bail, the present petitioner does not deserve the same indulgence, in view of the statutory bar created under Section 37 of the NDPS Act. Learned State counsel has drawn the attention of this Court to the fact that the petitioner, along with his co-accused, was apprehended on the basis of specific secret information regarding his active involvement in drug trafficking, which led to a huge recovery of heroin weighing 4 kgs after due compliance with the mandatory provisions of the NDPS Act.

4. It has further been clarified that the contention of the petitioner that only 1 out of the 17 cited prosecution witnesses has been examined, is factually incorrect. In fact, 6 witnesses have already been examined, 3 have been given up, and only 8 remain, most of whom are formal in nature. Thus, the stage of trial is well advanced and the proceedings cannot be said to be unduly delayed.

5. I have heard learned counsel for the parties and perused the relevant material placed on record.

6. This Court cannot lose sight of the fact that the recovery in the present case is of 4 kgs of heroin, which falls within the category of 'commercial' quantity under the NDPS Act. The rigour of Section 37 of the NDPS Act is, therefore, clearly attracted. Unless the conditions prescribed therein are satisfied – which in the present case are conspicuously absent – no indulgence can be granted. The argument of parity with the co-accused cannot



be mechanically invoked for consideration of bail in offences under the NDPS Act and has to be strictly tested against the statutory mandate. The magnitude of the recovery and the very nature of the allegations, supported by prior specific secret information against the petitioner, establish his *prima facie* complicity.

7. The menace of drug trafficking has assumed alarming proportions and continues to wreak havoc on society, particularly in this part of the country. Courts cannot turn a blind eye to the devastating consequences of such offences and must remain mindful of the larger societal interest while adjudicating bail petitions under the NDPS Act.

8. Having regard to the gravity of allegations, the substantial recovery of heroin, the statutory bar under Section 37 of the NDPS Act, and the stage of trial, which is nearing conclusion, this Court is of the firm view that no ground whatsoever is made out to extend the concession of bail to the petitioner.

9. Accordingly, the instant petition stands dismissed.

10. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

11. However, keeping in mind that the petitioner has been in custody since 24.04.2023, the learned trial Court shall make earnest efforts to expedite the trial and conclude it at the earliest, preferably on or before 31.12.2025.

August 27, 2025

Jaspreet Kaur

(MANJARI NEHRU KAUL)
JUDGE

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