

2025:PHHC:092056



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

CRM-M-65162-2024 (O&M)

Reserved on : 22.07.2025

Pronounced on : 25.07.2025

Gurjant Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. J. S. Mehndiratta, Advocate
for the petitioner.

Mr. A. S. Samra, AAG, Punjab.

MANISHA BATRA, J.

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in case bearing FIR No. 176 dated 07.11.2023, registered under Sections 21(C) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Sadar Patti, District Tarn Taran.

2. Brief facts of the case relevant for the disposal of the present petition are that on 07.11.2023, the petitioner, while coming on a motorcycle bearing registration number PB-46-U-8688 along with co-accused Major Singh, was apprehended by a police party and recovery of 705 grams of heroin from a polythene packet, which was kept under the seat of the motorcycle, was effected. After completion of necessary investigation and usual formalities, *challan* was presented in the Court and presently, the

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petitioner is facing trial for commission of aforementioned offence.

3. Learned counsel for the petitioner has argued that he has been falsely implicated in this case. In fact, the petitioner was picked up by the police in an illegal manner and later on he was falsely implicated in this case. Mandatory provisions of Section 50 of the NDPS Act were not complied with properly. Even otherwise, investigation stands completed and *challan* has been filed. Conclusion of trial is likely to take time. The petitioner is in custody since 07.11.2023 barring period of interim bail. He is not involved in any other case. No useful purpose would be served by keeping him in custody anymore. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on regular bail. Learned counsel for the petitioner has relied upon certain orders, wherein the co-accused have been granted concession of regular bail keeping in view the delay in trial.

4. Status report has been filed by the respondent-State. It is submitted therein and learned Assistant Advocate General, Punjab has argued that keeping in view the gravity of the allegations levelled against the petitioner, he is not entitled to get benefit of bail. The petitioner is the owner of the said motorcycle and was in conscious possession of the contraband. It is also argued that if the petitioner is released on bail, he can abscond or indulge in similar offences. Hence, it is urged that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

6. The petitioner along with the co-accused Major Singh was

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apprehended by the police party on 07.11.2023 and recovery of 705 grams of heroin was effected from them. He is stated to be the owner of the said motorcycle. The said quantity of the recovered contraband falls under commercial quantity. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted against the petitioner. The apprehension of learned State counsel that if extended benefit of bail, the petitioner may abscond or indulge in similar offences again cannot be stated to be unfounded at this stage. Mere delay in trial or extended period of his incarceration cannot be a ground alone to grant benefit of bail to the petitioner in the peculiar facts of the case. The arguments raised by learned counsel for the petitioner with regard to lacunas in investigation cannot be looked into at this stage as the same is to be decided by the learned trial Court after appreciating the entire evidence and material placed on record before it. So far as the orders of bail relied upon by the learned counsel for the petitioners are concerned, these orders cannot be stated to be of binding nature as it is well settled law that orders of bail are not necessarily orders of any precedential value and they shall not be treated as precedent. Reliance in this context can be made upon the judgment of the Hon'ble Supreme Court in *Gajanand Agarwal v. State of Orissa and others, (2006) 12 SCC 131*. Therefore, keeping in view the gravity of allegations as levelled against the petitioner, the quantity of alleged contraband recovered from him, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, this Court is of the considered opinion that he does not deserve to be granted concession of regular bail, at this stage. Accordingly, the present petition is dismissed.

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7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

25.07.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No