



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

214

CRM-M-64383-2025 (O&M)

Date of decision : 29.11.2025

Gurwinder Singh

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. L.S. Sekhon, Advocate for the petitioner.

Ms. Aiman Jamal Chishti, AAG Punjab.

SURYA PARTAP SINGH, J. (oral)

1. For the commission of offence punishable under Section 21 of 'Narcotic Drugs and Psychotropic Substances Act', hereinafter being referred to as 'NDPS Act', the FIR No.53 dated 29.04.2025 has been lodged in Police Station Sudhar, District Ludhiana. The petitioner is being prosecuted for the commission of abovementioned offence and he has been arrested. The petitioner is in custody and, therefore, craving for bail. This is second petition filed by the petitioner, under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

2. In nut-shell, the facts emerging from record are that the FIR of this case came into being in response to a report, submitted by ASI Manohar Lal, who stated that on 29.04.2025, when he was leading a team deputed for patrolling duty near Grain Market, Village Sudhar, he spotted a person



standing near the wall of Civil Hospital Sudhar. According to abovementioned report, the abovesaid person when sensed the presence of police party near him, threw a packet and started running away. As per report, on the basis of suspicion the abovesaid person was apprehended, who disclosed his name as 'Gurpreet Singh', and on search of the abovementioned packet, it was found that in the abovementioned packet, he was carrying 1.30 gms of heroin.

3. It is the case of the prosecution that on recovery of abovementioned contraband, necessary formalities with regard to seizure & sealing of contraband, lodging of FIR, and arrest of the accused were performed, and further investigation taken up. As per prosecution, during the course of investigation, when the accused Gurpreet Singh was interrogated, he suffered a disclosure statement, wherein he nominated the present petitioner.

4. The prosecution has further alleged that pursuant to the disclosure statement suffered by the above-named accused Gurpreet Singh, when the petitioner was arrested, and that on interrogation Gurpreet Singh had suffered a disclosure statement pursuant to which 263 gms of heroin was recovered from the bed of his house.

5. **Notice of motion.**

6. Since advance notice has already been served upon the State, Ms. Aiman Jamal Chishti, AAG Punjab accepts notice on behalf of respondent-State, and waives service. The learned State Counsel has filed



custody certificate of the petitioner. The same be taken on record. However, no formal reply has been filed by the State and the learned State counsel has opted to orally oppose the present petition.

7. Heard.

8. It has been contended on behalf of petitioner that the petitioner has been falsely implicated in the present case, and that at the time of alleged recovery of contraband, the laid down procedure was not adopted and the relevant rules & instructions were violated with impunity. While claiming that the quantity of recovered contraband is just above the lower limit meant for commercial quantity, it has been contended by learned counsel for the petitioner that 13 gms can be the margin of error, and therefore, in the given fact situation the petitioner is entitled for the benefit of doubt, and therefore, entitled for bail.

9. The learned counsel for the petitioner has further contended that otherwise also, the petitioner has already suffered prolonged incarceration for being in custody for a period of more than six months, and that the trial is not likely to be concluded in near future, and therefore, the petitioner is entitled for benefit of bail. In support of his arguments, the learned counsel for the petitioner has referred to the observations, made by the Hon'ble Supreme Court of India in Criminal Appeal No.4797 of 2025, titled as 'Dharam Singh Vs. The State of Himachal Pradesh', and by this Court in CRM-M-25231-2023, titled as 'Beant Singh Vs. State of Punjab', CRM-M-15799-2024, titled as 'Sukhjinder Singh @Sukhdeep Singh @Gaggu Vs.



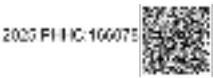
State of Punjab’, and CRM-M-56574-2024, titled as ‘Baljinder Singh @Rainch Vs. State of Punjab’.

10. The learned State Counsel has controverted the abovementioned arguments. As per learned State Counsel, in the present case there are very specific and categorical allegations against the petitioner, for being in conscious possession of commercial quantity of contraband, and therefore, without satisfying the twin conditions, enshrined under Section-37 of NDPS Act, the petitioner is not entitled for benefit of bail..

11. The record has been perused carefully.

12. A perusal of record shows that in the present case, following are the relevant factors which are required to be taken into consideration, for arriving at any decision: -

- i) that the total period of incarceration of the petitioner is less than 07 months and the abovesaid period by any standard cannot be termed to be a period of prolonged incarceration. In fact, the abovesaid period is not even long enough to draw an inference that there is delay in trial;
- ii) that the recovered contraband from the possession of petitioner comes within the ambit of commercial quantity, and therefore, without satisfying the twin conditions, enshrined under Section 37 of NDPS Act, the petitioner is not entitled for the benefit of bail; and
- iii) that there is nothing on record to show that the abovementioned conditions stands satisfied in this case.



13. If the cumulative effect of all the abovementioned factors, involved in the instant case, is taken into consideration it leads to the conclusion that at this stage the petitioner is not entitled for the benefit of bail, and that the present petition being devoid of merit deserves dismissal.
14. Accordingly, the present petition is hereby *dismissed*.
15. Pending miscellaneous application(s), if any, also stand(s) disposed of, accordingly.

(SURYA PARTAP SINGH)
JUDGE

NOVEMBER 29, 2025
Gaurav Thakur

Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No