

2026:PHHC:036769



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

122-2

CRM-M-5953-2026
Date of Decision: 10.03.2026

GOURAV KHANNA @ GORA

... Petitioner

VERSUS

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE H.S. GREWAL.

Present: Mr. Ruhani Chadha, Advocate
for the petitioner.

Mr. P.S. Pandher, AAG, Punjab.

H.S. GREWAL, J. (ORAL)

This petition has been filed under Section 483 Bharatiya Nagrik Suraksha Sanhita, 2023 seeking regular bail for the petitioner in case FIR No.17 dated 11.02.2025 under Section 21 of the NDPS Act, 1985 (Section 29 of the Act added later on) registered at Police Station Division No.2, District Jalandhar.

2. The case of the prosecution is that initially 30 grams heroin was recovered from the petitioner and his co-accused Tanish @ Tannu and Radhika @ Pinki, whereupon the instant FIR was registered. Thereafter, pursuant to the disclosure statements made by respective accused persons, co-accused Bharat @ Shanu was also arrested in the present case and a total 565 grams of heroin has been recovered in the present case.

3. Learned Counsel for the petitioner points out that the confessional statement/disclosure statement which have been recorded in the present case seems

to have been prepared in a mechanical way after obtaining the signatures of the co-accused persons on blank papers, as has been explained in the order dated 24.02.2026 passed by this Court. He further submits that the case of the prosecution falls flat once the confessional/disclosure statements have been recorded in such a way which indicates towards false implication of the petitioner as well as his co-accused persons. It appears that the contraband was already available with the police and the disclosure/confessional statements of the petitioner and his co-accused persons have been recorded later on by obtaining their signatures on blank papers. He further submits that the petitioner is in custody for the last more than 08 months. He thus prays that the petitioner be granted the concession of regular bail.

4. Learned State Counsel files reply and vehemently opposes the petition for grant of bail on the ground that the allegations and role attributed to the petitioner in the commission of the alleged offence are very serious in nature and the petitioner has actively participated in the alleged offence. Hence, he prays for dismissal of the present petition. Custody certificate filed by the State Counsel is taken on record. As per the said certificate, the petitioner is in custody for the last more than 08 months.

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

6. Keeping in view the facts and circumstances of the case and taking into consideration the fact that the petitioner is in custody for the last more than 08 months coupled with the fact that the case of the prosecution is surrounded by suspicions and doubts on account of the discrepancies noticed above, this Court is of the opinion that the petition in hand deserves to be allowed. Moreover, bail is rule and jail is exception. Since the continuous incarceration of the petitioner would

not serve the ends of justice, therefore, he is entitled to regular bail during the pendency of the trial.

7. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

8. It is clarified that if while on bail so granted through the instant order, the petitioner is found indulging in any other criminal case/activity, it shall be open to the State to seek cancellation of his bail.

9. Nothing discussed hereinabove shall be construed as an expression of opinion on the merits of the case.

MARCH 10, 2026.
Rajender

(H.S. GREWAL)
JUDGE

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