

2026:PHHC:006762



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

208

CRM-M-17339-2025
Date of decision: 19.01.2026

GAGANDEEP ALIAS DK ALIAS DEEPAKPetitioner

VERSUS

STATE OF PUNJABRespondent

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. Gurpal Singh Sandhu, Advocate
for the petitioner.

Mr. Mohit Kapoor, Senior DAG, Punjab.

VINOD S. BHARDWAJ, J. (Oral)

1. The instant second petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for the grant of regular bail in case bearing FIR No. 053 dated 11.05.2023, registered under Section(s) 22 (c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Gidderbaha, District Sri Muktsar Sahib.

2. The FIR in the present case was registered on account of chance recovery of 40 vials of 100 ml each of Corex cough syrup and 300 tablets of Carisoprodol, the same reads thus:-

*“SHO, P.S. Gidderbaha "Fateh" today myself SI
alongwith S/CT Monu Kumar No.287/SMS, S/CT Pritpal Singh*

No.1129/SMS in the official vehicle no.PB-65BA 4097 Bolero which was driven by CT Mandeep Singh No.669/SMS alongwith investigation kit, private laptop and printer which is operated by S/CT Monu Kumar No.287/SMS, with regard to patrolling and checking about suspicion persons were going towards Bharu Chowk, Nihal Da Dhaba, when the police party reached at drain road back side Pahwa Palace Gidderbaha then a Hindu gentlemen who was carrying Pithu Bag in his right hand seen coming, after seen the police party, suddenly hide in the bushes on his right hand backside Pahwa Palaced, then myself SI got stopped the vehicle and after came out apprehended the youngster with the help of companion employees and asked his name and address, who disclosed his name as Gagandeep @ D.K. alias Deepak son of Chhote Lal resident of Guru Teg Bahadar Nagar, Ward No.2 at present resident of Canal Colony, Quarter No.5-U, Gidderbaha. On which myself SI tried to join public witness in the police party but no one met, every one left by showing their inability. Due to which independent witness could be join in the police party. Then myself SI while introducing about myself to accused Gagandeep @ D.K. alias Deepak told that I have suspicion that you have carrying some intoxicant material in your pithu bag, on which accused Gagandeep @ D.K. alias Deepak above stated that you and your pithu bag carrying by you in your right hand has to be searched. But under NDPS Act, you have legal right that you can search you and your Pithu Bag from any Magistrate Sahib or any gazette officer, or bring you before Magistrate Sahib or gazette officer. Or they can be call at the spot. On which accused Gagandeep @D.K. alias Deepak above said that I do not want to search me and my pithu bag from you. On which notice under section 50 NDPS Act for refusal by accused Gagandeep @ D.K. alias Deepak prepared. After got the print out of it, the accused has appended his signatures in English and S/CT Pritpal Singh No.1129/SMS and C Mandeep Singh No.669/SMS have appended their signatures. Then myself SI

through the wireless set installed in the official vehicle after informed about the situation and requested Hon'ble Jasbir Singh (P.P.S.) Deputy Superintendent of Police Halqa Gidderbaha. Hon'ble Jasbir Singh (P.P.S.) Deputy Superintendent of Police Halqa Gidderbaha in the official vehicle No.PB-30R-2452 Bollero alongwith subordinates reached at the spot. Myself SI has informed him about the situation. On which Hon'ble Jasbir Singh (P.P.S.) Deputy Superintendent of Police Halqa Gidderbaha while introducing about himself to accused Gagandeep @ D.K. alias Deepak stated that I am Jasbir Singh D.S.P. posted at Sub Division Gidderhaba, I am in uniform and displaying my name plate thereon. I have suspicion that you have carrying some intoxicant material in your pithu bag. On which accused Gagandeep @ D.K. alias Deepak above stated that you and your pithu bag carrying by you in your right hand has to be searched. But under NDPS Act you have legal right that you can search you and your pithu bag from any Magistrate Sahib or gazette officer, or bring you before Magistrate Sahib or gazette officer. On which accused Gagandeep @ D.K. alias Deepak above said that I do not want to search me and my pithu bag from any Magistrate or gazette officer and you can search me and my pithu bag, I have full faith upon you. D.S.P. has prepared notice under Section 50 NDPS Act of accused Gagandeep @ D.K. alias Deepak, after got the printout of it, accused Gagandeep Sigh @ D.K. alias Deepak has appended his signatures in English and myself SI and S/CT Pritpal Singh No.1129/SMS have appended their signatures. Hon'ble D.S.P. has attested the notice. Then on the direction of Hon'ble D.S.P. myself SI has checked the pithu bag carrying by Gagandeep @ D.K. alias Deepak in his right hand, then from which 40 intoxicant bottles make Chlorpheniramine Maleate & Codeine Phosphate Syrup Corex Cough Syrup 100ml, each bottle batch no. VHL2304058 Mfg Date 04/2023 Exp.03/2025 and 30 strips intoxicant tablets make Carisoprodol Tablets IP batch no. of

which CAR005C, MFG Dec, 2022 and EXP. Nov. 2025, each strip containing 10/10 intoxicant tablets total 300 tablets recovered. On which after put the above recovered bottles and tablets into same pithu bag a parcel was prepared, parcel was stamped with my stamp IS+JS, sample of stamp was prepared separately, after used the stamp D.S.P. Sahib has kept the stamp with him and myself SI after used the stamp handed over to S/CT Pritpal Singh No.1129/SMS. Then myself SI taken the above case property i.e. 40 intoxicant bottles make Chlorpheniramine Maleate & Codeine Phosphate Syrup Corex Cough Syrup 100ml, each bottle batch no. VHL2304058 Mfg Date 04/2023 Exp.03/2025 and 30 strips intoxicant tablets make Carisoprodol Tablets IP batch no. of which CAR005C, MFG Dec, 2022 and EXP. Nov. 2025, each strip containing 10/10 intoxicant tablets total 300 tablets into police possession through recovery memo. Witnesses have appended their signatures on memo, memo has been attested by DSP Sahib and after conducted the personal search of accused Gagandeep @ D.K. alias Deepak above, from the left side of his jean currency note of 50/- recovered. On which memo of personal search was prepared and accused Gagandeep @ D.K. alias Deepak has appended his signatures in English and witnesses have appended their signatures. Accused Gagandeep @ D.K. alias Deepak could not produce any licence or permit with regard to keeping 40 intoxicant bottles make Chlorpheniramine Maleate & Codeine Phosphate Syrup Corex Cough Syrup 100ml, each bottle batch no. VHL2304058 Mfg Date 04/2023 Exp.03/2025 and 30 strips intoxicant tablets make Carisoprodol Tablets IP batch no. of which CAR005C, MFG Dec, 2022 and EXP. Nov. 2025, each strip containing 10/10 intoxicant tablets total 300 tablets in his possession. On which accused Gagandeep @ D.K. alias Deepak has committed an offence under Section 22-C/61/85 NDPS Act by keeping 40 intoxicant bottles make Chlorpheniramine Maleate & Codeine Phosphate Syrup Corex Cough Syrup 100ml, each bottle batch no. VHL2304058 Mfg

Date 04/2023 Exp.03/2025 and 30 strips intoxicant tablets make Carisoprodol Tablets IP batch no. of which CAR005C, MFG Dec, 2022 and EXP. Nov. 2025, each strip containing 10/10 intoxicant tablets total 300 tablets in his possession.

3. Learned Counsel appearing on behalf of the petitioner contends that the petitioner was taken in custody on 15.05.2023 and has already undergone an actual custody of more than 02 years and 07 months in the present case. He submits that the trial is yet to be concluded and only 11 witnesses out of a total of 18 witnesses have been examined so far.

4. Counsel for the respondent-State, on the other hand, contends that the recovered quantity of cough syrup falls in the commercial category. He further submits that the petitioner was involved in another FIR in the year 2021 and contraband was recovered from him. It is, however, not disputed that the petitioner has already undergone actual custody of more than 02 years and 07 months in the present case.

5. Having heard learned Counsel appearing on behalf of the respective parties and taking into consideration the period of custody already undergone by the petitioner, i.e. more than 2 ½ years, coupled with the stage of trial where 07 more witnesses remain to be examined, I deem it appropriate to enlarge the petitioner on regular bail to the satisfaction of the trial Court.

6. The instant petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing requisite bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate, concerned.

7. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.
8. The observation made hereinabove shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of available material.

JANUARY 19, 2026
Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

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