



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

**CRM-M No.7705 of 2026
Date of Decision: 01.04.2026
Date of Uploading: 01.04.2026**

Gursewak Singh @ Sewak

.....Petitioner.

Versus

State of Punjab

.....Respondent.

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Yajur Sharma, Advocate
for the petitioner.

Mr. Jaypreet Singh, DAG, Punjab.

SUMEET GOEL, J.(Oral)

Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.167 dated 09.10.2025 registered for the offences punishable under Sections 21(b), 27(a) and 29 of the Narcotic Drugs & Psychotropic Substances Act, 1985 (for short 'NDPS Act'), at Police Station A-Division, District Police Commissionerate, Amritsar.

2. The gravamen of the FIR in question is that the petitioner is an accused of being involved in an FIR pertaining to NDPS Act involving alleged recovery of 215 grams of heroin and drug money of ₹5,000/-.

3. Learned counsel for the petitioner has iterated that the petitioner is in custody since 09.10.2025. Learned counsel for the petitioner has further submitted that the petitioner has been falsely implicated into the FIR in question. Learned counsel for the petitioner has further iterated that the chemical examiner report has not yet been received and hence the petitioner may be granted concession of interim regular bail in terms of judgment passed by Hon'ble Division Bench in the case of ***Inderjeet Singh @ Laddi and others Vs. State of Punjab*** , 2014 SCC Online P&H 24990, relevant whereof, reads as under:-

“5. The learned Single Judge after considering the rival contentions found that the question whether such substances/drugs are covered under the NDPS Act or not, or can be dealt with only under the D&C Act has been arising frequently in many cases. The consequences would be completely different if the substances were held to be within the purview of the D&C Act instead of the NDPS Act. The matter was, therefore, referred to a larger bench. Meanwhile, the petitioner was ordered to be released on interim bail to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Duty Magistrate, Ludhiana.”

xxxxx

xxxxx

xxxxx

53..... Indeed the delay in testing the sample does result in prejudice to an alleged offender as till the results are available there can be no definite certainty with regard to the contraband in respect of which there has been a contravention or that has been recovered. In such cases to await the outcome of the final FSL report where there is likely to be delayed, the accused may be released on interim bail. In Sukhwant Singh v. State of Punjab, (2009) 7 SCC 539, it has been held by the Hon'ble Supreme Court as follows:

..... following the decision of this Court in Kamendra Pratap Singh v. State of U.P. (2009) 4 SCC 437 we reiterate that a court hearing a regular bail application has got inherent power to grant interim bail pending final disposal of the bail

application. In our opinion, this is the proper view in view of Article 21 of the Constitution of India which protects the life and liberty of every person. When a person applies for regular bail then the court concerned ordinarily lists that application after a few days so that it can look into the case diary which has to be obtained from the police authorities and in the meantime the applicant has to go to jail. Even if the applicant is released on bail thereafter society. The reputation of a person is his valuable asset, and is a facet of his right under Article 21 of the Constitution vide Deepak Bajaj v. State of Maharashtra, (2008) 16 SCC 14. Hence, we are of the opinion that in the power to grant bail there is inherent power in the court concerned to grant interim bail to a person pending final disposal of the bail application. Of course, it is in the discretion of the court concerned to grant interim bail or not but the power is certainly there.

54. Therefore, the presiding officer of a Special Court dealing with NDPS cases wherever the need is felt and where the matter is being unnecessarily delayed may grant interim bail till the receipt of the FSL report and thereafter considered the case after the receipt of the report.”

4. Learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature. Learned State counsel has further submitted that the FIR in question pertains to recovery of 215 grams of heroin and drug money of ₹5,000/- as well and, therefore, the bar under Section 37 of the NDPS, 1985 is attracted. Furthermore, expressing concerns about the possibility of the petitioner fleeing from the trial proceedings, learned State counsel submits that the petitioner ought not be granted the concession of regular bail. He has, accordingly, sought for dismissal of the petition in hand. He also seeks to place on record custody certificate dated 31.03.2026 in Court, which is

taken on record.

5. I have heard counsel for the rival parties and have gone through the available records of the case.

6. The petitioner was arrested on 09.10.2025 and the matter is still under investigation. It is not in dispute that the chemical examiner report has not yet been received. A perusal of the dicta of the Division Bench judgment passed in *Inderjeet Singh Laddi (supra)*, when read in the context of the factual matrix of the present case, indubitably reflects that the petitioner ought to be granted concession of regular bail till the receipt of the chemical examiner report before the concerned Court. Further, Section 27A has been invoked on the ground of recovery of ₹5,000/- which is stated to be drug money. However, at this juncture there is nothing forthcoming to suggest that alleged recovery of ₹5,000/- affected from the petitioner is drug money.

6.1. As per custody certificate dated 31.03.2026 filed by the learned State counsel, the petitioner has already suffered incarceration for a period of 05 months and 19 days. As per the said custody certificate, the petitioner is stated to be involved in two more cases/FIRs. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed

upon the judgment of the Hon'ble Supreme Court in *Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586*; a Division Bench judgment of the Hon'ble Calcutta High Court in case of *Sridhar Das v. State, 1998 (2) RCR (Criminal) 477* & judgments of this Court in *CRM-M No.38822-2022* titled as *Akhilesh Singh v. State of Haryana*, decided on 29.11.2021, and *Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191*.

7. In view of the factual milieu of the case in hand, the petition is allowed and the petitioner is granted regular bail till the presentation of chemical examiner report before the concerned Court. The petitioner is ordered to be released on regular bail, accordingly, on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned trial Court/Duty Magistrate. Needless to say that the petitioner shall be entitled to apply for regular bail afresh before the concerned trial Court after presentation of chemical examiner report and his having surrendered before the concerned Court. However, in addition to conditions that may be imposed by the concerned trial Court/Duty Magistrate, the petitioner shall remain bound by the following conditions:

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.

- (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.
- (viii) The petitioner shall submit, on the first working day of every month, an affidavit, before the concerned trial Court, to the effect that he has not been involved in commission of any offence after being released on bail. In case the petitioner is found to be involved in any offence after his being enlarged on bail in the present FIR, on the basis of his affidavit or otherwise, the State is mandated to move, forthwith, for cancellation of his bail which plea, but of course, shall be ratiocinated upon merits thereof.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

April 01, 2026
Yag Dutt

(SUMEET GOEL)
JUDGE

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