

219

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

CRM-M No.17577 of 2026

Date of decision: 08.04.2026

Gurpreet Singh @ Gopi**.....Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ***********

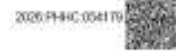
Present :- Mr. Yajur Sharma, Advocate
for the petitioner.

Mr. K. D. Sachdeva, DAG, Punjab.

***********RAJESH BHARDWAJ, J. (Oral)**

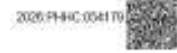
1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.265, dated 19.08.2020, under Sections 21, 22, 29 of NDPS Act, 1985, registered at Police Station Maqboolpura, District Amritsar.

2. Succinctly, the facts of the case are that the police party was on patrolling on 19.08.2020 and when they reached near Swaraj International School, Mehta Road, they saw one young man coming on the motorcycle from the side of village Othiya link road towards Swaraj International School. On seeing the police, he got perplexed and tried to turn back his motorcycle. He after taking out a black coloured polythene packet from the right pocket of his trouser, tried to throw away the same. However, on suspicion, he was apprehended along with the polythene packet with the help of the police officials. On asking, he disclosed his



named to be Sukhbir Singh @ Sukh @ Bhatti. He was suspected to be carrying some contraband in the black coloured polythene packet and thus, search of the same was conducted. On conducting the search of the polythene packet, 265 grams of heroin was recovered. He failed to produce any license regarding the conscious possession of the same. Thus, the FIR was registered and he was arrested on the spot. On registration of the FIR, the investigation commenced. The samples taken were sent to the FSL. During the investigation, complicity of the petitioner surfaced and thus, he was arrayed as an accused in the present case. The petitioner approached this Court praying for the grant of anticipatory bail by way of filing CRM-M-38156-2020, however the same was allowed by this Court vide order dated 18.11.2020. Thereafter the petitioner could not appear before the learned trial Court as he was already behind bars in some other case bearing FIR No.103 of 2021 and due to the same, his bail was cancelled and he was declared as proclaimed offender vide order dated 07.08.2024. Resultantly, the petitioner was arrested in the present case through production warrants on 12.06.2025. On completion of the investigation, the challan was presented and on framing of charges, the trial commenced. The petitioner approached the Court of learned Judge, Special Court, Amritsar, praying for the grant of regular bail. However, after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Amritsar declined the bail application filed by the petitioner vide order dated 18.12.2025. Hence being aggrieved, the petitioner is before this Court praying for the grant of regular bail by way of filing the present petition.

3. Learned counsel for the petitioner has submitted that the



petitioner has been falsely and frivolously implicated in the present case. He, at the outset, prays for the grant of bail on the basis of parity with that of the co-accused. He has drawn the attention of this Court to the order dated 06.11.2025, passed by this Court in **CRM-M-54191-2025**, whereby co-accused of the petitioner, namely, Ranjit Singh, has been granted the concession of regular bail. He has submitted that case of the petitioner is at par with co-accused, who has been granted bail by this Court. He has submitted that though the petitioner is involved in one more case, however, he is on bail in that case. He submits that on the basis of the parity, the petitioner deserves to be granted bail as case of the petitioner is similar to that of the co-accused, who has already been granted bail by this Court.

4. Learned counsel for the State, however, has endorsed the fact that case of the petitioner is at par with co-accused, namely, Ranjit Singh, who has already been granted bail by this Court. He has submitted that the contraband recovered weighing 265 grams of heroin is commercial in nature, and thus, the provisions of Section 37 of the NDPS Act are attracted. He, on instructions, has submitted that out of total 15 prosecution witnesses, no witness has been examined so far. He has further submitted that the petitioner is involved in one more case.

5. I have heard learned counsel for the parties and perused the record with their able assistance.

6. After hearing counsel for the parties and perusing the record, it is deciphered that the recovery effected in the present case as alleged is 265 grams of heroin, whereas, quantity above 250 grams is commercial in nature. The petitioner was arrayed as an accused in the present case on the



basis of disclosure statement of co-accused. The petitioner was arrested on 12.06.2025 and since then, he is behind bars. As submitted before this Court by learned counsel for the petitioner, that the petitioner is involved in one more case, however, he is on bail in that case. Co-accused of the petitioner, namely, Ranjit Singh, has already been granted the concession of bail by this Court.

7. As held by the Hon'ble Supreme Court in **Mohd Muslim @ Hussain Vs. State (NCT of Delhi), 2023 LiveLaw(SC)260**, this Court is of the opinion that the case of the petitioner is covered by the ratio laid down by the Hon'ble Supreme Court. In the abovesaid case Hon'ble Supreme Court expressed its views as under:-

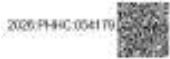
19. A plain and literal interpretation of the conditions under Section 37 (i.e., that Court should be satisfied that the accused is not guilty and would not commit any offence) would effectively exclude grant of bail altogether, resulting in punitive detention and unsanctioned preventive detention as well. Therefore, the only manner in which such special conditions as enacted under Section 37 can be considered within constitutional parameters is where the court is reasonably satisfied on a prima facie look at the material on record (whenever the bail application is made) that the accused is not guilty. Any other interpretation, would result in complete denial of the bail to a person accused of offences such as those enacted under Section 37 of the NDPS Act.

20 xxxxx

21it would be important to reflect that laws which impose stringent conditions for grant of bail, may be necessary in public interest; yet, if trials are not concluded in time, the injustice wreaked on the individual is immeasurable.

22 xxxxx

23. There is a further danger of the prisoner turning to crime, "as crime not only turns admirable, but the more professional



the crime, more honour is paid to the criminal”²² (also see Donald Clemmer’s ‘The Prison Community’ published in 1940²³). Incarceration has further deleterious effects - where the accused belongs to the weakest economic strata: immediate loss of livelihood, and in several cases, scattering of families as well as loss of family bonds and alienation from society. The courts therefore, have to be sensitive to these aspects (because in the event of an acquittal, the loss to the accused is irreparable), and ensure that trials – especially in cases, where special laws enact stringent provisions, are taken up and concluded speedily.'

8. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the cases will take sufficiently long time. However, keeping in view the overall facts and circumstances of the present case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail on the basis of parity.
9. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.
10. However, if the petitioner does not furnish the bail bonds within seven days from today, then his further custody period after one week will not be counted in this case.
11. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

08.04.2026
rittu

(RAJESH BHARDWAJ)
JUDGE

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