



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

**CRM-M No.11252 of 2026
Date of Decision: 06.04.2026
Date of Uploading: 06.04.2026**

Gurinder Singh alias Ginda

.....Petitioner.

Versus

State of Punjab

.....Respondent.

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. S.P.S. Khaira, Advocate
for the petitioner.

Mr. Baljinder Singh Sra, Addl. A.G, Punjab.

SUMEET GOEL, J.(Oral)

Present second petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (erstwhile Section 439 Cr.P.C.), for grant of regular bail to the petitioner in case bearing FIR No.90 dated 04.05.2019, registered for the offences punishable under Sections 21, 27(a) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), at Police Station Haibowal, District Ludhiana.

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 350 grams of heroin allegedly found in the possession of the petitioner and his

co-accused, namely, Ravinder Singh Chawla.

3. Learned counsel for the petitioner submits that the petitioner was initially arrested on 04.05.2019 whereinafter he was granted the concession of regular bail on merits thereof on 29.07.2021. Learned counsel has further submitted that the petitioner continued to appear before the concerned Court but could not appear after August, 2023 due to lack of communication between him and his learned trial counsel. Learned counsel has further submitted that the petitioner came to be re-arrested on 05.05.2025 and is in continuous custody since then. Learned counsel has submitted that the petitioner has suffered total incarceration of more than 04 years qua the FIR in question. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 04.04.2026 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. It is not in dispute that the petitioner was arrested on 04.05.2019 initially and was granted the concession of regular bail on merits thereof vide order dated 29.07.2021 passed by a Co-ordinate Bench of this Court in CRM-M No.24832 of 2021. It is further not in dispute that the petitioner continued to appear before the concerned Court for some

time but thereafter, absented himself on 24.08.2023. Indubitably, the petitioner was on run till 05.05.2025, till he was re-arrested. However, the fact remains that as per custody certificate dated 04.04.2026, the petitioner has suffered total incarceration for a period of 04 years 02 months and 19 days. Further, as per the said custody certificate the petitioner is stated to be involved in other cases/FIRs. 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*.

6.1. The rival contentions raised at Bar give rise to debatable issues shall be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

Suffice to say, further detention of the petitioner as an

undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned trial Court/Duty Magistrate. 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 trial Court/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 06, 2026
Yag Dutt

(SUMEET GOEL)
JUDGE

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