



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

105

CRM-M-18575-2025 (O&M)
Decided on : 06.03.2026

GURPREET SINGH
.....Petitioner

Versus

STATE OF PUNJAB
.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. R.K. Bajaj, Advocate, and
Ms. Kriti Verma, Advocate,
for the petitioner.

Mr. Neeraj Madaan, Sr. DAG, Punjab.

SANJAY VASHISTH, J.

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Gurpreet Singh, aged about 42 years	09	30.01.2025	21/29 of NDPS Act	Chabbewal	Hoshiarpur

2. Learned counsel for the petitioner contends that, as per the allegations in the FIR, on receipt of secret information, when the police

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party was on patrol duty, they noticed a car bearing registration No.HP-20F-7217, which was occupied by two persons. The vehicle was stopped and, upon inquiry, the person sitting in the driver's seat disclosed his name as Viren Rai, while the person sitting beside him, disclosed his name as Pankaj Puri.

From their possession, 21 grams of heroin was allegedly recovered, and both of them were implicated as accused in the present case. After their arrest and registration of the FIR, investigation commenced. During the course of investigation, the arrested accused disclosed that they had purchased the recovered heroin at the rate of Rs.2,000 per gram through one co-accused Rajesh Kumar alias Ghasu, who is presently confined in Central Jail, Hoshiarpur, and he used to communicate with them through mobile number 88228-48551.

It was further disclosed that present petitioner, namely Gurpreet Singh, used to supply heroin to Rajesh Kumar alias Ghasu, through whom the contraband was allegedly delivered to customers. On the basis of the said disclosure statements, Rajesh Kumar alias Ghasu and the present petitioner-Gurpreet Singh were also arrayed as accused in the present case.

3. During the course of investigation, petitioner was arrested. On 31.01.2025, a disclosure statement of the petitioner was recorded to the effect that heroin had been concealed by him inside an iron cane (drummi) in the shed of chaff at their haveli. Subsequently, on the basis of the said disclosure statement, 121 grams of heroin was allegedly

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recovered by the investigating officer from the possession of the petitioner.

4. Another disclosure statement dated 01.02.2025 of the petitioner was recorded, wherein he stated that the recovered heroin had been purchased by him at the rate of Rs.1,600/- per gram, from an unknown person, who used to supply heroin to him through a WhatsApp number +1 (530)415-6177.

5. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case and none of the mandatory provisions of the NDPS Act have been complied with. It is argued that once the investigating officer had received information regarding the involvement of the petitioner or any other accused such as Rajesh Kumar alias Ghasu, it was incumbent upon him, in terms of provisions of the NDPS Act, to reduce such information into writing and send the same to the concerned police station, in compliance with Section 42 of the NDPS Act.

It is further contended that prior to the arrest of the petitioner, no offer for personal search was given to him, and he was directly arrested. It is alleged that recovery shown from the petitioner has been falsely planted, merely on the basis of the disclosure statement.

6. Further submits that the recovered quantity of contraband, i.e., 121 grams of heroin, is below the threshold of commercial quantity prescribed under the NDPS Act, which is 250 grams. Petitioner is in judicial custody since 09.02.2025. Out of total 17 prosecution witnesses, none has been examined, till date, and therefore, conclusion of the trial is

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likely to take considerable time. Thus, it is prayed that petitioner be granted the concession of regular bail in the present case.

7. In response to the arguments addressed by learned counsel for the petitioner, learned State counsel, produces the custody certificate dated 05.03.2026 in Court today, which is taken on record. Office to tag the same at appropriate place. A copy thereof has been handed over to the counsel for the petitioner.

As per the custody certificate, in the present case, petitioner has already undergone 11 months and 21 days period inside jail.

8. Learned State counsel, while opposing the prayer and submissions made by learned counsel for the petitioner, has referred to paragraph No.9 of the status report dated 14.12.2025, which is already appended with the present petition, and submits that petitioner is a habitual offender, as he is allegedly involved in six other criminal cases registered under the NDPS Act.

However, learned State counsel could not offer any satisfactory explanation to the submission raised by counsel for the petitioner on the point of law, i.e., as to why the mandatory provisions of the NDPS Act were not complied with, after acquiring of knowledge by the investigating officer, regarding the alleged possession of narcotic contraband/heroin by the petitioner, prior to the effecting of alleged recovery.

9. This Court has heard the submissions addressed by learned counsel for the parties and has also perused the record available before it.

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10. Without expressing any opinion on the merits of the case or making any comment on the rival submissions addressed by learned counsel for the respective parties, this Court notices that recovered quantity, i.e., 121 grams of heroin allegedly recovered from the petitioner, is below the threshold of commercial quantity, which is 250 grams. It is also noteworthy that name of the petitioner does not find mention in the FIR, and his involvement in the present case primarily stems from the disclosure statement of the already arrested accused, namely Viren Rai.

11. Considering the aforesaid factors, including the period of incarceration already undergone by the petitioner and stage of the trial, this Court deems it appropriate to grant the concession of regular bail to the petitioner in the present case.

Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

12. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

13. Any of the discussion done and recorded here above, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an



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independent view, on the basis of evidence available on record, as expeditiously as possible, in accordance with law.

14. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

15. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

06.03.2026
Lavisha

Whether Speaking/Reasoned: YES/NO
Whether Reportable: YES/NO