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

CRM-M-18673-2026

Date of Decision: 05.05.2026

Gurpiar Singh @ Bhura

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Jashandeep Singh Sandhu, Advocate, for the petitioner.
Mr.Raj Karan Singh, AAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for grant of regular bail to the petitioner in a case FIR No.126 dated 12.05.2025, registered under Sections 21(C) of NDPS Act, 1985, at Police Station ANTF Mohali (for whole Punjab), District Bathinda.

2. Succinctly, the facts of the case are that the police party was on patrolling on 12.05.2025, then, at about 06:00 P.M., they received a secret information to the effect that about 300 meters ahead, opposite SBI bank and near Hello Food Pizza Hut, a Jeep Scorpio, bearing registration No.HR-26-CN-6690 was parked. It was informed that a fair skinned youth was sitting on the driver seat and he was alleged to be involved in selling the heroin in Talwandi Sabo. It was informed that he was talking with his associates, who were standing nearby, about selling the heroin and in case of raid, they could be apprehended along with the contraband. On receiving the secret information, the raiding party was constituted and reached the place as disclosed in the secret information. The car, as disclosed in the secret information, was seen parked. On seeing the police, driver of the car got perplexed, however, he was apprehended by the police party. On asking,



driver of the car disclosed his name to be Gurpiar Singh @ Bura (the petitioner), whereas, the persons standing nearby, disclosed their names to be Arshdeep Singh @ Arsh and Kamaldeep Singh @ Kamal. They were suspected to be carrying some contraband in the car and thus, search of the car was conducted. On conducting the search of the car, a waxen white envelope was recovered from the dashboard of the car. Further on conducting the search of the envelope, 506 grams of heroin was recovered. They failed to produce any licence regarding the conscious possession of the same, thus, the FIR was registered and all the accused were arrested on the spot. On registration of the FIR, the investigation commenced. 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, Bathinda praying for the grant of bail. However, after hearing both the sides and finding no merit in the same, learned Court declined the bail application filed by both the petitioner vide order dated 09.07.2025. Being aggrieved, the petitioner earlier approached this Court praying for the grant of regular bail by way of filing CRM-M-56214-2025, however the same was dismissed vide order dated 14.10.2025. Hence being aggrieved, the petitioner is again before this Court by way of filing the present second petition praying for the grant of regular bail.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely and frivolously implicated in the present case. He contends that admittedly, the FIR in the present case was lodged on the basis of secret information and thus, there is violation of Section 42 of the NDPS Act. It is contended that recovery of alleged 506



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grams of heroin effected from the car, has been planted upon the petitioner. He submits that the petitioner is not even the owner of the car. He contends that the Investigating Officer of the case, who effected the recovery, is himself facing prosecution in FIR No.14 dated 21.05.2025 lodged by the vigilance. He submits that the alleged recovery has been effected from a public place, however, no independent witness has been joined and thus, there is violation of mandatory provisions of Section 50 of the NDPS Act. He submits that though the petitioner is involved in two other cases, however, he is on bail in those cases. He, thus, has submitted that in the overall facts and circumstances, the petitioner deserves to be granted bail.

4. *Per contra*, learned State counsel has vehemently controverted the submissions made by counsel for the petitioner. He submits that the secret information was regarding the car and on conducting the raid, the petitioner was found sitting inside the car. He submits that conscious possession of the recovered contraband i.e. 506 grams of heroin is duly proved. Recovery of the alleged contraband was effected from the dashboard of the car in which the petitioner was found sitting. He submits that on due compliance of the statutory provisions of the NDPS Act, recovery of 506 grams of heroin has been effected in the present case, which is commercial in nature and thus, provisions of Section 37 of the NDPS Act are attracted. On instructions, he has submitted that out of total 17 prosecution witnesses, 02 witnesses have been examined till date. He has placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that as per the case of the prosecution, FIR in the present case



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was lodged on the basis of secret information. As contended before this Court, there is violation of Sections 42 and 50 of the NDPS Act, in the present case. The custody certificate would show that the petitioner has suffered incarceration of 11 months & 21 days as on 05.05.2026. It further shows that the petitioner is facing prosecution in two other FIRs, however, he is on bail in the same. Two witnesses have been examined out of total 17 prosecution witnesses.

6. 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 of law 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.

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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 wrecked on the individual is immeasurable.

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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.'

7. The veracity of the allegations would be assessed only after the 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 case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

8. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

9. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

05.05.2026
sharmila

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No