

2026:PHHC:070192



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-24305-2026

Gurlal Singh @ Gora

....Petitioner

versus

State of Punjab

....Respondent

Date of decision: May 06, 2026

Date of Uploading: May 06, 2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Davinder Singh Saini, Advocate and
Ms. Harjeet Kaur, 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') (erstwhile Section 439 of Cr. P.C.) for grant of regular bail to the petitioner, in case bearing FIR No.147 dated 18.09.2025, registered for the offences punishable under Sections 21, 29, 27-A of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), at Police Station Doraha, District Khanna, District Ludhiana.

2. The gravamen of the FIR in question is that on 18.09.2025, the police apprehended Gurlal Singh @ Gora (*petitioner herein*), who was travelling in a PRTC bus bearing registration No.PB10-GK-5135 coming from the Ludhiana side, and recovered 300 grams of heroin from his possession.

During investigation, on the basis of the disclosure statement made by the petitioner, co-accused Mohd. Irshad, Davinder Singh and Lovepreet Singh were nominated as accused on 19.09.2025. Thereafter, accused Davinder Singh was arrested on 20.09.2025 and 705 grams of heroin was recovered from his possession. On 22.09.2025, co-accused Mohd. Irshad was arrested in the present case. Further, on 25.09.2025, co-accused Lovepreet Singh @ Lavi, who was already lodged in Ropar Jail in connection with another case, was formally arrested after obtaining his production warrants. Subsequently, on the basis of the disclosure statement suffered by co-accused Lovepreet Singh, Mahant Kashmir Giri and Dinkar Kalia were nominated on 26.09.2025. On the same day, co-accused Kashmir Giri was arrested and 50 grams of heroin was recovered from him. Thereafter, co-accused Dinkar Kalia @ Shanty, along with co-accused Vicky and Gulshan @ Guchhi, was apprehended, and a car bearing registration No.PB26K-4051 along with 30 grams of heroin was recovered from their possession. On the basis of the disclosure statement of co-accused Dinkar Kalia, co-accused Shubham Kumar was nominated and was subsequently arrested on 28.09.2025 with 70 grams of heroin recovered from his possession.

3. Learned counsel for the petitioner has iterated that the petitioner is in custody since 18.09.2025. Learned counsel has argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further submitted that mandatory provisions of the NDPS Act have not scrupulously been complied with, and thus, the prosecution case suffers from inherent defects. Learned counsel has argued that the petitioner has suffered incarceration for more than 07 months. Thus, regular bail is prayed for. Learned counsel has urged that co-accused of the petitioner, namely, Davinder

Singh @ Dariya has been granted concession of regular bail by this Court, vide order dated 23.04.2026 passed in CRM-M-20725-2026. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature and, thus, the petitioner ought not to be extended concession of regular bail. Learned State counsel has further submitted that the instant bail plea is barred by the rigors of Section 37 of the NDPS Act, and thus, the same ought to be dismissed. Learned State counsel seeks to place on record custody certificate dated 05.05.2026, in the Court today, 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 18.09.2025 and is in continuous custody since then. Culmination of trial will take long time. Co-accused of the petitioner has been accorded the concession of regular bail by this Court. The rival contention raised at Bar give rise to debatable issues, which shall essentially 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.

6.1. As per custody certificate dated 05.05.2026 filed by the learned State counsel, the petitioner has already suffered incarceration for a period of 07 months and 13 days.

6.2. Further, as per the said custody certificate the petitioner is stated to be involved in other FIR(s). 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*. In this view of the matter, the rigor imposed under Section 37 of the NDPS Act stands diluted in light of the Article 21 of the Constitution of India.

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, if not required in any other case, 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.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

May 06, 2026
mahavir

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