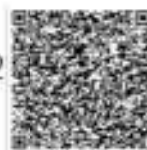


2026:PHHC:079932



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

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CRM M-27396-2026

Date of Decision: 19.05.2026

Gurpinder Singh @ Kala

...Petitioner (s)

Vs.

State of Punjab

...Respondents(s)

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Ms. Dolly Sharma, Advocate
for the petitioner.

Mr. Charanpreet Singh, AAG, Punjab.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present petition under Section 483 of the BNSS, 2023, with a prayer to grant him regular bail in case FIR No. 17 dated 25.02.2026, in offences under Sections 21, 27A, 29, 61 and 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Mattewal, District Amritsar Rural (Annexure P-1).

2. Learned counsel for the petitioner contends that as per the case set up by the prosecution on 25.02.2026, the police party had apprehended the petitioner on the basis of suspicion and 7 grams of heroin and a sum of Rs.450/- was allegedly recovered from him. However, the alleged recovery was planted on him by the police itself. Apart from that, the mandatory provisions of the NDPS Act were not followed by the police while effecting the search and seizure at the spot.

Moreover, no independent witness was made to join during the process of alleged recovery, even though, the place of alleged recovery was situated in a thickly populated area. Even, the petitioner was arrested on 25.02.2026 and the entire investigation has already been concluded. Learned counsel next contends that even the petitioner is first time offender and was never involved in any other crime. Apart from that, the quantity of contraband allegedly recovered from the petitioner falls within the ambit of “intermediate quantity” as per the schedule appended with the NDPS Act. Thus, the rigours of Section 37 of the NDPS Act may be relaxed while considering the bail petition of the petitioner.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that there are serious allegations against the petitioner and the petitioner is not entitled for the concession of regular bail.

4. I have heard learned counsel for the parties and perused the record very carefully.

5. In the present case, admittedly, the alleged recovery of heroin falls within the ambit of “intermediate quantity” as per the schedule of the NDPS Act and the power contained under Section 37 of the NDPS Act may not strictly apply. Moreover, the petitioner is in custody for the last about three months and his custody may not be required for the purpose of investigation.

6. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to

be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

19.05.2026
amit rana

Whether reasoned/speaking

Whether reportable

:

:

(N.S.SHEKHAWAT)

JUDGE

Yes/No

Yes/No