



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**
207

CRM-M-34124-2026 (O&M)
Date of decision: 24.06.2026

Gurbir Singh @ Gullu
.....Petitioner

Versus

State of Punjab
.....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Anirudh Gupta, Advocate (through V.C.)
for the petitioner.

Mr. Bhanu Partap Singh, Addl. A.G., Punjab.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this petition filed under Section 483 of BNSS, 2023 (corresponding to Section 439 of Cr.P.C.) is for grant of regular bail to the petitioner in FIR No.28 dated 03.02.2026 registered under Sections 21, 27(a) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') at Police Station Jandiala, District Amritsar (Rural).
2. The case of the prosecution is that on 03.02.2026, the petitioner was apprehended while riding a motorcycle and the co-accused Jugraj Singh @ Niku was allegedly travelling as a pillion rider. Upon checking of an envelope allegedly being carried by the petitioner in his hands, recovery of 08 grams of heroin (non-commercial quantity) was effected. Further, an amount of Rs.1,200/- was also



recovered from the personal search of the co-accused, which is alleged to be a drug money.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case and the similarly situated co-accused of the petitioner namely Jugraj Singh @ Niku has already been granted the concession of regular bail by this Court vide order dated 15.05.2026 passed in CRM-M-26635-2026. Further, the alleged recovery of 08 grams of heroin falls within the ambit of non-commercial quantity and as such, the embargo created under Section 37 of the NDPS Act would not apply in the instant case. He further submits that the petitioner is having clean antecedents and is not involved in any other case registered under the NDPS Act.

4. Learned counsel for the petitioner further submits that the petitioner is in custody for the last more than 04 months. Further, the final report has already been presented before the jurisdictional Court and the conclusion of the trial is likely to take long time.

5. *Per contra*, learned State counsel has filed custody certificate today in the Court which is taken on record and he opposes the prayer made by learned counsel for the petitioner on the ground that the petitioner along with the co-accused was apprehended at the spot and recovery of 08 grams of heroin was effected from him and as such, the complicity of the petitioner is duly established, however, he could not controvert the fact that the contraband recovered in the present case



is of non-commercial quantity and therefore, the embargo created under Section 37 of the NDPS Act would not be applicable.

6. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars from the last more than 04 months. Investigation is complete. The final report has already been presented before the concerned jurisdictional Court and the conclusion of the trial is likely to take long time.

7. A two Judge Bench of Hon'ble Supreme Court in ***"Satender Kumar Antil vs. CBI"***, (2022) 10 SCC 51, with respect to prevailing conditions of undertrial prisoner in India has observed:

"6. Jails in India are flooded with undertrial prisoners. The statistics placed before us would indicate that more than 2/3rd of the inmates of the prisons constitute undertrial prisoners. Of this category of prisoners, majority may not even be required to be arrested despite registration of a cognizable offence, being charged with offences punishable for seven years or less. They are not only poor and illiterate but also would include women. Thus, there is a culture of offence being inherited by many of them. As observed by this Court, it certainly exhibits the mindset, a vestige of colonial India, on the part of the investigating agency, notwithstanding the fact arrest is a draconian measure resulting in curtailment of liberty, and thus to be used sparingly. In a democracy, there can never be an impression that it is a police State as both are conceptually opposite to each other."



8. Further the culpability, if any, would be determined at the time of trial and as such, no useful purpose will be served by further detention of the petitioner-accused. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India.

9. In view of the discussions made hereinabove, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner namely Gurbir Singh @ Gullu, is ordered to be released on regular bail during pendency of the trial, on furnishing bail bonds/surety bonds to the satisfaction of concerned Illaqa Magistrate/Trial Court/Duty Magistrate.

10. Nothing observed hereinabove shall be construed to be expression of an opinion by this Court on merits of the case. The learned Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

(HARPREET SINGH BRAR)
JUDGE

24.06.2026
yakub

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