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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-38540-2025

Gurpreet Singh alias Gopi and anotherPetitioners

Versus

State of PunjabRespondent

CRM-M-61723-2025

Sabar Sandhu alias Tarlok BabaPetitioner

Versus

State of PunjabRespondent

CRM-M-62140-2025

Balwinder Singh @ GopiPetitioner

Versus

State of PunjabRespondent

Decided on: 16.02.2026

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Shivender Pal, Advocate
for the petitioner(s) (in CRM-M-38540-2025)

Ms. Komalpreet Kaur, Advocate
for the petitioner(s) (in CRM-M-61723-2025)

Mr. Kushagra Mahajan, Advocate
for the petitioner(s) (in CRM-M-62410-2025)

Mr. Jasdeep Singh Gill, Addl. A.G., Punjab



SANJAY VASHISTH, J. (ORAL)

1. By way of this common order, all the above-mentioned petitions are being decided together as they arise out of the same FIR and common allegations.
2. All the above mentioned accused namely–(i) Gurpreet Singh @ Gopi, (ii) Kunan Singh @ Punan Singh, (iii) Sabar Sandhu @ Tarlok Baba and (iv) Balwinder Singh @ Gopi have filed bail petitions under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioners, during the pendency of trial, who have been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

FIR No.	Date	Section(s)	Police Station	District
05	12.01.2025	21, 21-C, 29/61/85 of NDPS Act and Sections 25(8) 54/59 of Arms Act	Cantonment Amritsar	Amritsar

3. Merely on the basis of the information given by a secret informant, FIR in question was registered naming therein following as accused – (i) Gurpreet Singh @ Gopi and (ii) Kunan Singh @ Punan Singh.

As per allegations recorded in the FIR, both the said accused deal in the illegal business of supply of Heroin to its customers. On hearing the petitioners' counsel, on 27.10.2025, the following order was recorded in the proceedings in CRM-M-38540-2025 (bail petition filed by Gurpreet Singh @ Gopi and Kunan Singh @ Punan Singh):-

(i) The instant petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 seeking regular bail to the petitioner in case FIR No.05 dated 12.01.2025 registered under Sections 21-C, 29/ 61/ 85 of NDPS Act, 1985 at Police Station Cantonment Amritsar.



(ii) *Going through the FIR, this Court is unable to understand how an FIR could be registered directly without compliance of Section 42 of the NDPS Act, 1985, especially when no recovery was effected prior to its registration. However, in the ruqa sent to the Police Station through Superintendent of Police-Dilbagh Singh 4165, it has been mentioned that separate compliance under Section 42 of the NDPS Act, 1985 is being sent along with the information.*

Further, there is nothing to apprise this Court as to what was the quantity of the contraband recovered from the accused that served as the basis for registering the case against them under the NDPS Act, 1985. To understand this aspect, the Court has gone through the impugned order dated 06.06.2025 also, wherein it is not even recorded from which of the accused, 1 kg of Heroin was recovered or whether it was recovered at the instance of a disclosure statement made by either of the 02 accused namely Gurpreet Singh @ Gopi and Kunan Singh @ Punan Singh.

(iii) *One status report dated 06.09.2025 has also been filed in Court today, wherein para 5 of the said status report reads as under:*

“5. That after sending 'Ruqa' to the police station for registration of FIR, ASI Kamaljit Singh along with accompanying police officials apprehended the present petitioners-accused Gurpreet Singh @ Gopi and Kunan Singh and were subject to custodial investigation. During investigation, the petitioners Gurpreet Singh and Kunan Singh made voluntary disclosure statements before the Investigating Officer that someday ago, both of them had got smuggled a consignment of heroin through drone from Pakistan, which was kept concealed in bushes near new bridge of Bye Pass Ajnala to Ramdass, which they can get recovered. Therefore, based on their voluntary disclosure statements dated 12.1.2025. one Kg of heroin was recovered on 13.01.2025 in presence of the deponent which was taken into police



possession in accordance with law after completing all the necessary provisions as prescribed under Section 50 of the NDPS Act while informing the petitioners about their legal right to get the above said recovery effected in presence of a Magistrate or some other gazette officer but the petitioners had reposed their faith in the deponent. Additionally, one mobile phone make Redmi, having SIM No. 62844-17139 and 70873-1739 was recovered from petitioner no.1-accused Gurpreet Singh @ Gopi and one mobile phone make Oppo having SIM no. 8725095087 was recovered from the petitioner No.2-accused Kunan Singh, which were also taken into police possession in accordance with law by the Investigating Officer. The offence under Section 21 (C) NDPS Act was added on 13.01.2025.”

(iv) Again, it is not clear to the Court that from the disclosure statement of which of the accused, the recovery of heroin was effected or the disclosure statement is joint one.

(v) A number of times, this Court has experienced that similar kind of investigation is being done in a number of cases by the concerned Investigating Officer(s) in the State of Punjab may ultimately benefit the accused at final stage of the trial.

State was expected to explain the circumstances, as to at what stage of investigation, recovery was effected in the present case. Even if, the allegations in the instant case are taken to be correct, there appears to be no plausible explanation in the Status report that what was the hurry in registering the FIR on 12.01.2025, when actual recovery was effected on the next day i.e. on 13.01.2025.

(vi) Let an affidavit be filed by the concerned Senior Superintendent of Police in regard to the aforementioned position.

(vii) In the meanwhile, the petitioners who are inside the jail since 12.01.2025; are ordered to be released on interim bail subject to their furnishing bail bonds/ surety bonds to the satisfaction of the



*Chief Judicial Magistrate/ Duty Magistrate/ Trial Court concerned.
(viii) List on 16.12.2025.”*

4. As per case of the prosecution, broader view of the case is that on arrest of Gurpreet Singh alias Gopi and his co-accused Kunan Singh @ Punan Singh, both were arrested and thereupon recovery of 01 Kg of Heroin was effected from the petitioner-Gurpreet Singh @ Gopi. However, he disclosed the name of one more accused Nishan Singh @ Sona and Balwinder Singh @ Baba.

In turn when accused, Balwinder Singh @ Baba was arrested, he disclosed the name of two more accused namely, Sabar Sandhu @ Tarlok Baba and Balwinder Singh @ Gopi. From the possession of Balwinder Singh @ Baba one .30 bore pistol was recovered and he has already been granted bail.

Petitioner-Sabar Sandhu @ Tarlok Baba (in CRM-M-61723-2025) got recovered four live cartridges and .32 bore one pistol. However, no contraband under NDPS was recovered from his possession. From petitioner-Balwinder Singh @ Gopi, 01 Kg of Heroin was recovered from open space i.e. under the public bridge and that too on the next day of registration of the FIR, as his name was disclosed by Balwinder Singh @ Baba on 12.02.2025, in his second disclosure statement. Petitioner-Gurpreet Singh @ Gopi has remained inside jail for a period of more than 09 months.

5 Learned counsel for the petitioner(s) even challenged the sustainability of the registration of the FIR, as they are being tried by the Special Court under the provisions of NDPS Act. Despite there being no contraband or narcotic drug having been recovered from the possession of Balwinder Singh @ Baba and Sabar Sandhu @ Tarlok Baba. To clear the position as to how the

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recovery is shown to be effected on next day, prosecution in its status report has tried to establish that infact, the FIR was registered after 11.00 p.m. and thereupon the accused were arrested. On disclosure statement of the arrested accused, recovery was also thus, effected on the next day i.e. 13.01.2025, on this explanation, this Court is inclined to comment at this stage in the instant bail petition, therefore, the same is left to the trial Court, for its final adjudication after having complete set of evidence before it. However, while considering the plea of the petitioner(s) as indicated here above, and noticing of certain other aspects which were made part of the order dated 27.10.2025 (*supra*) and also the fact that out of 24 prosecution witnesses, none has been examined till date and even charges are yet to be framed.

6. Learned State counsel, while opposing the prayer and submissions advanced by learned counsel for the petitioners, however, he does not deny the fact that petitioners are custody for more than a period of 11 months, thus, prays for dismissal of bail.

7. I have considered the submissions addressed by learned counsel for the parties.

8. Considering all the circumstances and without making any opinion on the merits of the case(s), the present petitions are allowed. Petitioners namely, (i) Gurpreet Singh @ Gopi, (ii) Kunan Singh @ Punan Singh, who have already been released on interim bail shall furnish fresh bail/surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Illaq Magistrate/Duty Magistrate concerned, and (iii) Sabar Sandhu @ Tarlok Baba and and (iv) Balwinder Singh @ Gopi are ordered to be released on regular bail, subject to their furnishing



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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.

9. Needless to observe that the petitioner(s) shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.
10. 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 independent view, on the basis of evidence available on record, as expeditiously as possible, in accordance with law.
11. All the petitions stand disposed of.
12. A photocopy of this order be placed on the files of other connected cases.

16.02.2026

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No

(SANJAY VASHISTH)
JUDGE