

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

101

2026:PHHC:032216



CRM-M-41223-2025 (O&M).
Date of decision: 27.02.2026.

GURCHART SINGH ALIAS GURCHARAT SINGH AND ANOTHER

...Petitioner(s)

VERSUS

STATE OF PUNJAB

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Sangram Singh Saron, Advocate, with
Mr. M.S. Rajwade, Advocate,
for the petitioner.

Mr. Mohit Kapoor, Sr. DAG, Punjab.

VINOD S. BHARDWAJ, J. (Oral)

This is the first petition filed under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita, 2023, for grant of pre-arrest bail to the petitioners
in case bearing FIR No.44 dated 15.05.2025, under Section(s) 21, 22, 27 and
29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered
at Police Station Aur, District Shaheed Bhagat Singh Nagar, Punjab.

2 As per the prosecution version on 15.05.2025 at about 10:35 PM, in the area near Pond of Sri Guru Nanak Park, Aur, accused Vinod Kumar was found consuming heroin as he was in possession of one lighter, one silver foil and 0.15 mg heroin. During investigation, accused Vinod Kumar made a confessional statement that he had been bringing heroin for his consumption from Jarnail Ram @ Jally, his son Gurcharat Singh @ Manna and Seema W/o Gurcharat Singh @ Manna from their house. On the basis of confession made by accused Vinod Kumar, afore-mentioned three persons were nominated as accused and police conducted raid in village Garupar where accused Jarnail Ram @ Jally was arrested but accused-applicants Gurcharat Singh and his wife Seema fled away from the spot in car by making an attempt to run the car over the police party, hence offences under Section 29 of the NDPS Act, 109 of the Bharatiya Nyaya Sanhita, 2023 were added in the present case.

3 Learned counsel appearing for the petitioner(s) contends that the petitioners have been falsely implicated in the present case on the basis of a confession made by co-accused, which is an evidence against the said accused only. He further contends that no recovery of any nature is stated to have been effected from the petitioners and that same already stands effected from the arrested accused Vinod Kumar and other co-accused Jarnail Singh i.e. father of petitioner No.1, hence, custodial interrogation of the petitioners is not required.

4 State counsel, on the other hand, contends that apart from the petitioners being nominated as an accused, it is also the case of the prosecution that when the police party conducted a raid on the house of the petitioners herein, the petitioner No.1 along with petitioner No.2 ran over police officials

and thus Section 109 of the Bharatiya Nyaya Sanhita, 2023 was added. He contends that there are as many as 09 criminal cases against petitioner No.1- Gurchart Singh alias Gurcharat Singh, depicting his participation in large number of such cases. Counsel contends that even though petitioner no.2- Seema was also nominated as a co-accused in a certain case, however, she has already been acquitted in the same except for one case which is pending and that the same is not for an offence under the NDPS Act.

5 Having heard the learned counsel for the parties and taking into consideration the arguments noticed above as well as the criminal antecedents of petitioner No.1, the prayer for anticipatory bail qua petitioner No.1- Gurchart Singh alias Gurcharat Singh is dismissed. Petitioner No.1- Gurchart Singh alias Gurcharat Singh shall surrender before the concerned Court and on submission of an application for regular bail, the trial Court may consider the same expeditiously and decide in a time bound manner preferably within a period of 05 working days of the submission of such a bail application.

6 Adverting to the prayer made with respect to petitioner No.2- Seema wife of petitioner No.1- Gurchart Singh alias Gurcharat Singh, State counsel does not have any serious objections qua her. Accordingly, prayer for release of petitioner No.2-Seema on anticipatory bail is allowed. Petitioner No.2-Seema is directed to join investigation within a period of two weeks from today and thereafter as and when required by the Investigating Agency. In the event of petitioner No.2-Seema joining investigation, she shall be admitted to bail by the arresting officer/investigating officer on furnishing of bail bonds to the satisfaction of the arresting officer/investigating officer. The

petitioner No.2 shall also abide by the conditions as specified under Section 482 of the BNSS, 2023.

7 However, in the event of petitioner No.2-Seema not cooperating with the Investigating Officer, the State/Investigating officer shall be at liberty to move an appropriate application for seeking cancellation of the pre-arrest bail granted to the said petitioner.

8 The present petition stands partly allowed in above terms.

February 27, 2026.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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