

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

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CRM-M-50850-2025**Date of decision: 18.02.2026**

Gurjant Singh

*.....Petitioner**Versus*

State of Punjab

*.....Respondent***CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY**

Present: Mr. Vipul Jindal, Advocate for the petitioner.

Mr. Gautam Thapar, Sr. DAG, Punjab.

AARADHNA SAWHNEY, J (ORAL)

1. By filing the instant second petition under Section 483 of BNSS, petitioner, an accused in case FIR No.351 dated 14.11.2023 under Sections 21,21(c),27,29 of NDPS Act registered at P.S STF, Phase-IV, SAS Nagar Mohali has prayed for grant of regular bail.

2. Relevant facts as emerging from documents on record be noticed hereinbelow:-

ASI Paramjit Singh set the criminal law in motion by filing a complaint alleging therein that on 14.11.2023, at around 08.00 AM in the area of STF Range, Ludhiana, while he along with police team was present on patrolling duty, a secret information was received that Gurjant Singh @ Janta son of Sarmail Singh R/o Near Gurudwara Sahib Baba Deep Singh, village Bhikhiwind, P.S Bhikhiwind, District Tarn Taran was indulging in illegal business of selling heroin and can be apprehended red handed even today keeping in his illegal possession huge quantity of contraband. Relying on the information, naka was laid. From the Car of petitioner, 2.6 kgs of heroin was recovered. He himself was found under the influence of drugs. After the statutory formalities were completed, petitioner was caught. In the disclosure statement of petitioner, name of supplier came up as



Sukhwant Singh, who was also arrayed as co-accused.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. Statutory formalities were not complied with in letter and spirit. Despite having received prior secret information, no efforts were made by police team to join any independent person as a witness to the case proceedings. Further, it cannot be said that petitioner was in conscious possession of contraband for he is not owner of the car from where alleged recovery was effected. The petitioner has been in custody since 14.11.2023 and likelihood of conclusion of trial in near future is quite remote, thus lenient view be taken in favour of the petitioner. Prayer for allowing the petitioner has been made.

4. Per contra, learned State counsel while opposing the prayer contends that all the statutory requirements were complied with at the site by the Investigating Agency. Further the fact that petitioner is facing trial in 02 criminal cases of like nature and thus if extended the concession of bail, likelihood of him (P) fleeing from the process of justice and committing yet another offence is quite high. He further contends that in the light of huge recovery of contraband from the petitioner and co-accused, rigors of Section 37 NDPS Act are attracted to the present case, therefore the petitioner is not entitled for grant of bail. Though, he fairly concedes that petitioner does not stand convicted in any of the above mentioned two criminal cases. Nonetheless, dismissal of the petition has been prayed for.

5. I have heard the learned counsel for the parties and have gone through the documents on record.

6. Before proceeding to discuss the rival contentions, it would be appropriate to refer to judgment of Hon'ble Supreme Court wherein case titled as **Chitta Bishwas @ Shubash Vs. State of West Bengal Law Finder Doc Id# 1938935**, considering the duration of custody and progress in trial, Hon'ble



Supreme Court granted bail to an accused/appellant who was found in possession of 46 bottles of PHENSYDRYL Cough Syrup containing codeine mixture above commercial quantity.

In **Md Aliul Islam @ Aliul Islam @ Aliul Vs. State of West Bengal Law Finder Doc Id# 2734487**, Hon'ble Supreme Court granted bail to an accused, involved in a case under Section 21(c)/27A of NDPS, considering custody period and similarity with other accused, whose bail had been allowed.

Similarly in **Devrata Mondal Vs. State of West Bengal Law Doc Finder Id # 2734476**, on the ground of prolonged custody and parity with other accused, co-accused Davrata, who was allegedly caught keeping in his possession 290 bottles of PHENSYDRYL Cough Syrup (Commercial quantity) was granted the concession of bail by the Hon'ble Supreme Court.

In **Santarul Islam Vs. State of West Bengal, Law Finder Doc Id# 2735329**, Hon'ble Supreme Court granted bail to the petitioner who was also caught keeping in his illegal possession of PHENSYDRYL Cough Syrup (on the ground of prolonged custody and nature of contraband).

In **Maulana Mohd Amir Rashadi vs. State of U.P and another, 2012(1) RCR (Criminal) 586**, Hon'ble Supreme Court upheld the order of the High Court in granting bail to the second respondent/accused on the ground that he had been in custody for a long period and the possibility of the trial being conducted in the near future was remote.

7. Having gone through the aforesaid judgments, it is clear that Constitutional liberty must override the statutory embargo. Guided solely by the said principle and considering that the possibility of completion of trial in near future is quite remote (as pointed out by State counsel that out of 15 cited prosecution witnesses, only 02 have been examined till date as also the fact that petitioner has been in custody since 14.11.2023, this Court is of the opinion that in the facts and circumstances as mentioned hereinabove, his further incarceration



would not serve any useful purpose. Resultantly, petitioner is granted the concession of bail subject to his furnishing bail/surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned. The petitioner shall abide by the following conditions:-

- (i) The petitioner shall not leave the country without prior permission of the trial Court and shall deposit the passport in the trial Court.
- (ii) The petitioner will not tamper with the evidence during the trial.
- (iii) The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iv) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (v) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
- (vi) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- (vii) The petitioner shall not in any manner misuse his liberty.
- (viii) The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

8. Accordingly, the present petition is allowed and it is made clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

In view of the above, it is clarified that the observations made herein



are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

Learned Addl. Sessions Judge, Ludhiana is requested to make sincere efforts to dispose of trial expeditiously within a period of six months.

18.02.2026
manoj

(AARADHNA SAWHNEY)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No