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**(117) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM-M-50139-2025 (O & M)
Date of Decision:11.03.2026**

Gurmeet Singh alias Paramjit Singh

... Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Ranwant Singh Sangha, Advocate
for the petitioner.

Mr. Harkanwar Jeet Singh, AAG, Punjab.

JASJIT SINGH BEDI, J.

The prayer in this fourth petition under Section 483 BNSS, 2023 (Section 439 Cr.P.C.) is for the grant of regular bail in case bearing FIR No.67 dated 01.07.2018 under Sections 379-B, 420, 473 IPC and Sections 21/22 of the NDPS Act, 1985 and Sections 25/27 of the Arms Act, 1959 registered at Police Station Mehna, District Moga, Punjab.

2. The brief facts of the case are that on 01.07.2018 a police party headed by Inspector Kikkar Singh was present in the area of Police Station Mehna in connection with patrolling and checking of suspected persons. At about 6 AM when the police party reached near Bus Stand Kapure then a special informer came there and informed that Gurdip Singh s/o Surjit Singh, Jaswinder Singh @ Sony son of Gurnam Singh, Gurmeet Singh (Petitioner) s/o Pippal Singh, Karamjit Singh are habitual to sell intoxicants and heroin

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and they also habitual to snatch vehicles and then sell the same after affixing fake number plates. On the basis of said information Inspector Kikkar Singh sent the ruqa for registration of the case.

The police party started barricading after reaching at Data-Bhinder Kalan link road. After some time 2 cars coming from Jalalabad side were seen. They were stopped. Inspector Kikkar Singh asked the name and address of the persons travelling in the said cars. Then the person who was driving car bearing No. HR51-BN-4166 disclosed his name as Gurdip Singh @ Khaba son of Surjit Singh and the person sitting on co-driver seat disclosed his name as Jaswinder Singh @ Gogi son of Gurnam Singh son of Surjit Singh.

Then Inspector Kikkar Singh enquired about the name of the driver of the Dzire car bearing No.PB03AH-3006, who disclosed the name as Karamjit Singh and the person sitting on the co-driver seat of the said car disclosed his name as Gurmeet Singh (Petitioner) s/o Pippal Singh.

During search the par of Gurdip Singh from the waist of the pant one pistol 32 bore was recovered and from said pistol 6 live cartridges of 32 bore were recovered. From the right pocket of the pant of Gurdip Singh one plastic polythene was recovered and from the said plastic polythene 150 grams intoxicant powder was recovered. During search of Jaswinder Singh Soni, from his right pocket one plastic polythene was recovered. From the said polythene 150 grams intoxicant powder was recovered.

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During search of Karamjit Singh and the Dzire car no incriminating article was recovered. During the search of Gurmeet Singh (Petitioner), 200 grams intoxicant powder was recovered.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. There is a violation of the mandatory provisions of the NDPS Act regarding search and seizure including Section 50 of the NDPS Act. As he is in custody since 03.07.2018 but only 18 out of the 27 prosecution witnesses have been examined so far, the Trial in the present case is not likely to be concluded anytime soon and therefore, he is entitled to the concession of bail.

4. The learned counsel for the State, on the other hand, while referring to the affidavit dated 06.11.2025 of Rajesh Thakur, PPS, Deputy Superintendent of Police, Dharamkot, District Moga contends a commercial quantity of contraband has been recovered from the petitioner. Further, the petitioner is a habitual offender being a convict in 06 other cases under the NDPS Act. Therefore, keeping in view the antecedents of the petitioner, he is not entitled to the concession of bail, moreso, as the satisfaction under Section 37 of the NDPS Act that he had not committed an offence and is not likely to commit an offence in future cannot be recorded and further out of 27 only 5 prosecution witnesses remain to be examined.

5. I have heard the learned counsel for the parties.

6. This Court in the case of **Soni Singh @ Chamkaur Singh Versus State of Punjab, CRM-M-31645-2022, decided on 20.10.2022**, held as under:-



“Admittedly, the petitioner in the present case is named in the disclosure statement of the arrested accused. Subsequently thereto 3Kgs of Poppy Husk was recovered at his instance which is a non commercial quantity. It may be relevant to mention here that limitations to the grant of bail under Section 37 of the NDPS Act are in addition to those prescribed under Cr.PC or any other law inforce on the grant of bail as has been set out by the Hon'ble Supreme Court in Satpal Singh Vs. State of Punjab 2018(5) RCR (Criminal) 152. In the present case, the petitioner is involved in two other cases under the NDPS Act. Thus, as he is a habitual offender, he is not entitled to the grant of bail even under Section 439 Cr.PC keeping in view his antecedents. Even otherwise, assuming that the rigors of Section 37 of the NDPS Act did not apply to the petitioner, that by itself would not ipso facto lead to the grant of bail to the petitioner.

In view of the above discussion, I find no merit in the present petition and the same is therefore dismissed.”

7. Admittedly, the petitioner is habitual offender being a convict in 06 other cases under the NDPS Act. The details thereof are as under:-

Sr. No.	FIR No./Dated	Under Sections	Police Station	Status
1.	246/15.10.2005	15 NDPS Act	City Zira	Convicted on 12.1.2015
2.	179/10.10.2006	21 NDPS Act	Makhu District Ferozepur	Convicted on 2.12.2011
3.	05/15.02.2011	307/86/353/332 /34 IPC and 15 NDPS Act	Badhni Kalan (Moga)	Convicted on 19.6.2019
4.	145/27.08.2013	15/25 of the NDPS Act	Makhu (Ferozepur)	Convicted on 27.4.2016
5.	119/22.10.2013	15 NDPS Act, 468/467/471 IPC	Makhu (Ferozepur)	Convicted on 18.7.2019
6.	41/17.02.2021	20-A/21-B NDPS Act	City Faridkot (Faridkot)	Convicted on 15.11.2023

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8. In view of the above, the satisfaction under Section 37 of the NDPS Act that he has not committed an offence and is not likely to commit an offence in future cannot be recorded. Further, there is no undue delay in the conclusion of the Trial as out of 27 prosecution witnesses only 05 remain to be examined.

9. Therefore, I do not deem it appropriate to grant him the concession of bail and hence, the present petition stands dismissed.

10. However, the Trial Court is directed to conclude the Trial as expeditiously as possible but in any case not later than 06 months from the next date of hearing fixed before it.

11. The pending application(s), if any, shall stand disposed of accordingly.

(JASJIT SINGH BEDI)
JUDGE

11.03.2026
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Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No