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

**CRM-M No.53626 of 2025
Date of Decision: 12.03.2026**

Gursahib Singh @ Chobbar

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Raghav Chadha, Advocate
for the petitioner.

Mr. Raj Karan Singh, Asstt. A.G., Punjab.

RAJESH BHARDWAJ, J. (ORAL)

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.09, dated 18.01.2025, under Sections 21, 61, 85 of NDPS Act (Section 29 NDPS Act added later on vide GD No.35 dated 22.01.2025), registered at Police Station Shri Hargobindpur, District Gurdaspur, Punjab.

2. Succinctly, the facts of the case are that the police party while on patrolling on 18.01.2025, saw one young person coming on foot from the side of Batala road inside the Grain Market, who was carrying a black colour bag. On seeing the police, he got perplexed and tried to ran away, however, on suspicion, he was apprehended by the police party. On asking, he disclosed his name to be Aman. He was suspected to be carrying some contraband in the bag being carried by him and thus, search of the same



was conducted. On conducting the search of the bag, 550 grams of heroin was recovered. He failed to produce any licence regarding the conscious possession of the same, thus, the FIR was registered and he was arrested on the spot. On registration of the FIR, the investigation commenced. The samples taken were sent to the FSL. On receipt of the FSL report, the challan was presented. During the investigation, complicity of the petitioner surfaced on the basis of disclosure statement of co-accused and thus, he was arrayed as an accused in the present case. Resultantly, the petitioner was arrested on 25.05.2025. The petitioner approached the Court of learned Judge, Special Court, Gurdaspur praying for the grant of regular bail. However, after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Gurdaspur declined the bail application filed by the petitioner vide order dated 02.09.2025. Hence being aggrieved, the petitioner is before this Court praying for the grant of regular bail by way of filing the present petition.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. He has submitted that the petitioner has been implicated in the present case on the basis of disclosure statement of co-accused. He has further contended that the disclosure statement in itself is not even an admissible evidence. He has submitted that the alleged recovery of 550 grams of heroin was effected from the co-accused, namely, Aman. He has further submitted that the co-accused, namely, Manpreet Singh has also been granted the concession of anticipatory bail by the Coordinate Bench of this Court vide order dated 20.11.2025 passed in CRM-M-44098-2025. He has submitted that even



otherwise, there is a violation of mandatory provisions of Section 50 of NDPS Act in conducting the search of the co-accused from whom the recovery has been effected. To buttress his arguments, learned counsel for the petitioner has submitted that the petitioner is not involved in any other case of the similar nature, though, he is involved in other case, however, he is on bail. He has submitted that the petitioner is behind bars since the date of his arrest, however, there is no material progress in the trial. He has submitted that in the facts and circumstances, the petitioner deserves to be granted regular bail.

4. *Per contra*, learned counsel for the State has vehemently opposed the submissions made by learned counsel for the petitioner. He has submitted that complicity of the petitioner has been surfaced during the investigation. He has submitted that the recovery effected from the co-accused, namely, Aman, in the present case, is commercial in nature, and, thus, the provisions of Section 37 of NDPS Act are attracted. He has submitted that the petitioner has made a transaction for an amount of Rs.1,35,000/- in the account of co-accused, namely, Manpreet Singh, however, the co-accused, namely, Manpreet Singh, has already been granted the concession of anticipatory bail. He, on instructions, has submitted that out of total 10 prosecution witnesses, no witness has been examined so far. He has produced custody certificate of the petitioner today in the Court, which is taken on record.

5. Heard.

6. On hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner has been arrayed as an accused in



the present case on the basis of disclosure statement of co-accused, namely, Aman, from whom the recovery of 550 grams of heroin was effected. The another co-accused, namely, Manpreet Singh is already on anticipatory bail. The petitioner is behind bars since the date of his arrest, i.e. 25.05.2025. Custody certificate produced would show that the petitioner has suffered an incarceration of 09 months and 11 days as on 11.03.2026. It further reflects that the petitioner is involved in 02 other cases, however, in 01 case, he is on bail. Out of total 10 prosecution witnesses, no witness has been examined so far.

7. As held by the Hon'ble Supreme Court in **Mohd Muslim @ Hussain Vs. State (NCT of Delhi), 2023 LiveLaw(SC)260**, this Court is of the opinion that the case of the petitioner is covered by the ratio of law laid down by the Hon'ble Supreme Court. In the abovesaid case Hon'ble Supreme Court expressed its views as under:-

19. A plain and literal interpretation of the conditions under Section 37 (i.e., that Court should be satisfied that the accused is not guilty and would not commit any offence) would effectively exclude grant of bail altogether, resulting in punitive detention and unsanctioned preventive detention as well. Therefore, the only manner in which such special conditions as enacted under Section 37 can be considered within constitutional parameters is where the court is reasonably satisfied on a prima facie look at the material on record (whenever the bail application is made) that the accused is not guilty. Any other interpretation, would result in complete denial of the bail to a person accused of offences such as those enacted under Section 37 of the NDPS Act.

20. xxxxx

21.it would be important to reflect that laws which



impose stringent conditions for grant of bail, may be necessary in public interest; yet, if trials are not concluded in time, the injustice wrecked on the individual is immeasurable.

22. xxxxx

23. *There is a further danger of the prisoner turning to crime, “as crime not only turns admirable, but the more professional the crime, more honour is paid to the criminal”²² (also see Donald Clemmer’s ‘The Prison Community’ published in 1940²³). Incarceration has further deleterious effects - where the accused belongs to the weakest economic strata: immediate loss of livelihood, and in several cases, scattering of families as well as loss of family bonds and alienation from society. The courts therefore, have to be sensitive to these aspects (because in the event of an acquittal, the loss to the accused is irreparable), and ensure that trials – especially in cases, where special laws enact stringent provisions, are taken up and concluded speedily.”*

8. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court.

9. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides and perusing the record, the Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for the grant of bail.

10. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. However, if the petitioner does not furnish the bail bonds within seven days from today,



then his further custody period after one week will not be counted in this case.

11. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

12.03.2026

Whether speaking/reasoned

Whether reportable

:

:

Yes/No

Yes/No

(RAJESH BHARDWAJ)

JUDGE