



CRM-M-60658-2025 (O&M)

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

(233)

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Date of decision : 14.01.2026

GURJIT SINGH @ SETHI

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. G.S. Randhawa, Advocate for the petitioner
(through video conference)

Mr. Roshandeep Singh, AAG, Punjab

MANISHA BATRA, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking grant of regular bail in case arising out of FIR No.126 dated 23.08.2024 registered under Sections 21-C, 29 of Narcotics Drugs and Psychotropic Substances Act (for short "NDPS") and Sections 25, 27, 29 and 30 of Arms Act (Section 132 and 221 of Bharatiya Nyaya Sanhita, 2023 added later on) at Police Station STF, District SAS Nagar (Mohali).

2. As per the allegations, on 23.08.2024, the occupants of 02 cars which were lying parked in the area of GT Road Jalandhar Bypass were apprehended on the basis of suspicion by a Police party that was

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patrolling in the area and one of those occupants aimed revolver at the members of the Police party, when their vehicle reached in front of those vehicles the police officials had a narrow escape as they had applied brakes. The person who was holding revolver had fallen on the ground. He was apprehended and on asking disclosed his name as Gurcharan Singh @ Kikki. The other occupants disclosed their names as Jashandeep Singh @ Jashan, Wasan Singh @ Fauji and Malkit Singh @ Meet respectively and were arrested. On conducting search, a revolver and 03 cartridges and 280 grams of heroin was recovered from the conscious possession of accused Gurcharan Singh @ Kikki; whereas 260 grams of heroin each was effected from the conscious possession of co-accused Jashandeep Singh @ Jashan and Wasan Singh @ Fauji. They were formally arrested. The recovered contraband, weapons and cars were taken into custody. During the course of investigation, it was found that the Swift Desire car recovered from the spot was registered in the name of Balbir Singh, who had since expired and his wife disclosed that she had sold the car to Gurcharan Singh @ Kikki. The co-accused Wasan Singh @ Fauji suffered disclosure statement to the effect that the revolver recovered from him was licensed weapon of the present petitioner and he had given the same to him. The petitioner was nominated as an accused. He was in custody in some other case and was formally arrested in this case on 01.04.2025. Investigation now stands completed.

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3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 01.04.2025. No recovery has been effected from him. The only allegation against him is that he has sold his licensed weapon to the co-accused. The allegations at the most make out a case for commission of offence punishable under Section 25(1)(B) of Arms Act. The trial will take considerable time to conclude. His further incarceration would not serve any useful purpose. His involvement in other cases cannot be considered to be a reason for denying the benefit of bail to him. It is, therefore, stressed that the petition deserve to be allowed.

4. Per contra, learned State counsel has argued that there are serious and specific allegations against the petitioner. He is a habitual offender being involved in some other cases and, therefore, it is argued that he does not deserve to be released on bail.

5. This Court has heard the rival submissions made by the counsels for the parties at considerable length.

6. The petitioner is alleged to have given his licensed revolver to the co-accused Wasan Singh @ Fauji, who was apprehended alongwith the same and commercial quantity of contraband on the fateful day. However, the rigors of Section 37 of NDPS Act are not attracted against the petitioner. He is in custody since 01.04.2025. The trial will take considerable time to conclude since only 02 out of 26 witnesses have been examined so far. No useful purpose would be served by detaining the petitioner in custody anymore. It is well settled proposition

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of law that bail is the rule and jail is an exception. Even otherwise pre-trial incarceration should not be a replica of post-conviction sentencing. In view of the above discussed facts but without meaning to make any comment on the merits of the case lest the same prejudice either of the parties, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal and surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned and on the following conditions:-

- (i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case in any manner whatsoever.
- (ii) The petitioner shall not leave the country under any circumstance without permission of the learned trial Court.
- (iii) The petitioner shall appear before each and every date of hearing.
- (iv) The petitioner shall provide his address where he would be residing after release and shall not change the same without informing the concerned IO/SHO.
- (v) The petitioner shall upon his release give his mobile phone number to concerned IO/SHO and shall keep his mobile phone switched on all times.

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(vi) The petitioner shall surrender his passport, if any, furnish details of his cell phone and Aadhaar card, and shall not change his mobile number(s) during the pendency of the trial.

7. In the event of there being any FIR/complaint lodged against the petitioner, it shall be open to the respondent to seek redressal by filing an application seeking cancellation of bail.

8. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

(MANISHA BATRA)
JUDGE

14.01.2026
Amit Sharma

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