



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

210

CRM-M-71111-2025
Date of decision: 03.02.2026

GURWINDER SINGH ALIAS SAHILPetitioner

VERSUS

STATE OF PUNJABRespondent

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

Present: - Mr. Rishu Mahajan, Advocate for the petitioner.

Dr. (Ms.) Savi Nagpal, Asst. A.G. Punjab.

VINOD S. BHARDWAJ, J. (Oral)

1. The instant second petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for the grant of regular bail in case bearing FIR No. 10 dated 04.02.2025, registered under Section(s) 21(c)/29 of NDPS Act, 1985 at Police Station Raja Sansi, Amritsar.
2. The FIR in the present case has been registered on the ground of chance recovery of the contraband from co-accused Lovepreet Singh @ Love and Jobanpreet Singh @ Joban, the same reads thus:-

“Today, I, SI, with ASI Jasbir Singh 685, HC Mehtab Singh 243, PHG Major Singh 3756, on official vehicle Scorpio No. PB-65-BH-0752, driver of which was CT Vrinderjit Singh 1247 with Laptop Printer, were present near Ghrar Bridge Canal Ranewali for patrolling and in search of bad elements and while checking the vehicles after barricading the road, a motorcycle Splendor without number plate, black in color, was seen coming from the side of village Jagdev Kalan. I, SI,

signaled them to stop with the light of the torch. They got scared after seeing the police party and started to turn back. I, SI, caught them on suspicion with the help of fellow employees and asked them their names and addresses. The motorcycle driver told his name as Lovepreet Singh alias Love, son of Lakhbir Singh, resident of Bal Sara, police station Beas, and the youth sitting behind the motorcycle told his name as Jobanpreet Singh alias Joban, son of Sukhchain Singh, resident of BalSara, police station Beas. I, SI, informed both the youths about my name, rank and posting and told them that I suspect that you have some narcotic substance in your possession and you have to be searched. But you have the legal right to get your search done by a gazetted officer or a magistrate. Which I can arrange or you can take to them. On which accused Lovepreet Singh alias Love and Jobanpreet Singh alias Joban spoke and said that we want to get our search done by a gazetted officer. On which dissent memo of accused Lovepreet Singh alias Love and notice under section 50NDPS Act was prepared. The witnesses put their signatures on the notice and dissent memo and accused Jobanpreet Singh alias Joban signed in English. On which I, SI, informed Shri Yadvinder Singh Deputy Superintendent of Police CAW In-Charge Sub Division Rajasansi through mobile phone and informed him about all the circumstances and requested him to reach at the spot. After some time, Shri Yadvinder Singh, Deputy Superintendent of Police, CAW, In-Charge Sub Division Rajasansi along with the staff arrived at the spot in an official vehicle. Who was again made aware of the situation. Who told the accused Lovepreet Singh alias Love and Jobanpreet Singh alias Joban by telling their name, rank and posting that I am wearing uniform. Name plate with my name is affixed. I am a gazetted officer of Punjab Police. I suspect that you have narcotic substance. You must be searched. But you have the legal right to get your search done by me or any other gazetted officer or any magistrate. Arrangement of which can be made. On which the accused

Lovepreet Singh alias Love and Jobanpreet Singh alias Joban spoke and told the DSP that we trust you. You can search us. On which the consent memo of accused Lovepreet Singh alias Love and notice under Section 50 NDPS Act prepared and notice and consent memo was signed by witnesses and Lovepreet Singh signed in English and accused Jobanpreet Singh alias Joban signed in English. Before searching accused Lovepreet Singh @ Love and Jobanpreet Singh @ Joban, the police party tried to involve the public witness but none could be found. On which the I, SI, on the instructions of Shri Yadwinder Singh Deputy Superintendent of Police, CAW, In-Charge Sub Division Rajasansi, in the presence of fellow employees and DSP, searched the jacket worn by accused Lovepreet Singh alias Love son of Lakhbir Singh resident of Bal Sara police station Beas and a polythene packet of black color was recovered from the left pocket of the jacket worn by him. Accused Lovepreet Singh alias Love was asked about the recovered polythene packet, who said that it contained heroin. Upon opening and checking the polythene packet, heroin was recovered from it. I, SI, weighed the recovered heroin with an electronic scale by taking it out from Investigation bag, which turned out to be 500 grams of heroin alongwith polythene packet. The recovered heroin was put in a separate plastic box and a parcel of clothes was prepared. I, SI, sealed the parcel with my seal "TS" and the DSP sealed it with his seal "YS". Accused Jobanpreet Singh alias Joban son of Sukhchain Singh resident of Bal Sara Hall Baba Sawan Singh Nagar Police Station Beas, on the instructions of Mr. Yadwinder Singh, Deputy Superintendent of Police CAW, In-Charge Sub Division, and in the presence of fellow employees and DSP, the pant worn by accused Jobanpreet Singh alias Joban was searched and a black polythene packet was recovered from the left pocket of the pant he was wearing.. Accused Jobanpreet Singh alias Joban was asked about the recovered polythene packet, who told that it contained heroin. On opening the

polythene packet and checking, heroin was recovered from it. The recovered heroin was weighed by me, SI, using an electronic scale by taking it out from investigation bag, which turned out to be 505 grams of heroin with polythene packet. The recovered heroin was put in a separate plastic box and wrapped in clothes. After preparing the parcel, I, SI, sealed the parcel with his seal "TS" and DSP sealed it with his seal "YS". The sample seal of the cloth was completed. After use I, SI, handed over my stamp "TS" to ASI Jasbir Singh 685 and DSP kept his stamp with him after use and both the parcel heroin and the sample seal of the cloth were taken into police possession by separate memo and on searching the motorcycle brand splendor without number, no document was recovered from it which was taken into police possession through separate seizure memo. Accused Lovepreet Singh alias Love by keeping 500 grams of heroin in his possession and accused Jobanpreet Singh alias Joban by keeping 505 grams of heroin in his possession, have committed the an offence under Section 21-C/61/85 NDPS ACT. On which a ruqa is being written and after getting its print out sent to police station through PHG Major Singh 3756 for registration of case. The case should be registered and the number of the case should be of case. case informed."

3. Learned Counsel appearing on behalf of the petitioner contends that the petitioner has clean antecedents and he is in custody since 25.04.2025. It is submitted that the name of the petitioner cropped up in the disclosure of Lovepreet Singh @ Love to the effect that they had procured the contraband on the asking of the petitioner herein. He contends that thus the disclosure statement nowhere gives details as to the place/source from where the aforesaid contraband had been procured and as to whether any considerations had been paid to any person or not. It is contended that it is thus case of no evidence against the petitioner apart from a disclosure

statement which is not followed by any recovery. The said disclosure thus does not carry any weight against the petitioner. He further submits that the investigation in the case is complete and charge sheet has been filed on 08.12.2025. There are total of 26 witnesses but none has been examined so far.

4. Learned State Counsel does not dispute the facts noticed above.
5. Having heard learned counsel appearing on behalf of the respective parties and taking into consideration the clean antecedents of the petitioner, his young age of 24 years, the absence of any recovery from or at the instance of the petitioner herein, the period of actual custody undergone by the petitioner as well as the stage of the trial and noticing that conclusion of trial shall take long time, I deem it appropriate to enlarge the petitioner on regular bail to the satisfaction of the trial Court.
6. The instant petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing requisite bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate, concerned.
7. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.
8. The observation made hereinabove shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of available material.

FEBRUARY 03, 2026
Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No