



CRM-M-68583-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-68583-2025
Decided on : 12.02.2026

Vishal alias Bhundi

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present : Mr. Manoj R. Sharma, Advocate
for the petitioner(s).

Mr. Rahul Jindal, AAG Punjab

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Vishal @ Bhundi	39	09.04.2024	21(c), 27(A) of NDPS (Section 29 of NDPS Act added later on)	Sadar Gurdaspur	Gurdaspur

2. This is a case of chance recovery. As per case of the prosecution, one car bearing No. PB-06-AM-7877 mark i20, was noticed coming from Batala side and on seeing the police party, the driver suddenly reversed the car and struck a barricade. After the car stopped, the driver's side door was opened, but the driver managed to flee the scene. Despite being chased by the police officials, the driver

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of the car could not be apprehended. Subsequently, it was noticed that two women were sitting in the car, one in front passenger seat and the other in the back seat and there being some suspicion about the presence of intoxicant tablets or other objectionable material. Consequently, a call was placed to night Munshi-ASI Chinda Masih, at his mobile No. 9815456382, and request was made to send some Investigating Officer.

3. Learned counsel for the petitioner argues that a false case has been planted, because FIR in the present case was registered, without there being any recovery or even enquiring the name of women sitting in the car. However, he further explains that, in the police proceedings, which were allegedly conducted after arrival of the new Investigating Officer, it was projected that woman beside the driver's seat disclosed her name as Kamlesh, wife of Vishal @ Bhundi (present petitioner) and the other woman disclosed her name as Reena @ Reena Rani. Further, it has been shown that on making search, 255 grams of Heroin was recovered wrapped in polythene bag and lying in the dashboard alongwith drug money of Rs. 17,000/-, in a separate pouch.

Further argues that the recovery of Heroin has been planted against the petitioner and other co-accused. It is contended that had there been any Heroin lying in dashboard of the car, as alleged in the police proceedings and the FIR, it would have been noticed at the very first instance, if the due process of law had been followed. Further argues that the recovery in the present case is 255 grams of Heroin, a figure that includes the weight of the polythene bag, in which the Heroin was placed. The FIR fails to specify whether the recovered Heroin was weighed by separating it from the polythene bag or if the weight of the polythene bag itself was deducted by the Investigating Officer. Therefore, counsel for the petitioner



argues that, actual weight of the recovered contraband is definitely less than 255 grams and once it is 250 grams or less than 250 grams, same would be counted under the category of non-commercial quantity. The petitioner is stated to be an accused six other cases also as described in the status report dated .

Paragraph No. 7 of the status report, is reproduced here under:

7. CRIMINAL HISTORY OF THE PETITIONER:-

That it is humbly submitted that as per the information of ASI Baksish Singh of Police Station Sadar, Gurdaspur, 06 other criminal cases (except present case) have been registered against the petitioner.

Sr. No.	FIR No. dt., U/S & Police Station	Status
1.	FIR No. 26 dt. 19.03.2016 u/s 366,511,506 of IPC, Police Station Dinanagar, Gurdaspur	Cancelled
2.	FIR No. 51 dt. 31.07.2017 u/s 379-B, 34. 411 of IPC, Police Station Dinanagar, Gurdaspur	Convicted
3.	FIR No. 95 dt. 17.11.2017 u/s 21/61/85 of NDPS Act, Police Station Sadar, Gurdaspur	Acquitted
4.	FIR No. 127 dt. 03.06.2020 u/s 21/61/85 of NDPS Act, Police Station Dinanagar, Gurdaspur	Convicted
5.	FIR No. 153 dt. 07.08.2021 u/s 21-B/61/85 of NDPS Act, Police Station Dinanagar, Gurdaspur	Convicted
6.	FIR No. 136 dt. 31.12.2021 u/s 25 (8)/54/59 Arms Act and 21-C,25,24-A,29/61/85 of NDPS Act, Police Station Kalanaur, Gurdaspur	Acquitted

However, counsel for the petitioner clarifies that, in two of the cases i.e. FIR No. 95 and FIR No. 136, petitioner has already been acquitted. Regarding two cases under FIR Nos. 127 and 153, wherein petitioner has been convicted, counsel for the petitioner submits that he has already undergone the sentence because, the quantity recovered was either small or non-commercial. Even in one of the case i.e. FIR No. 26 mentioned at serial No. 1 in the aforementioned table, nothing was found against the petitioner and, therefore, it was cancelled. Thus,

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submits that as of now the petitioner is facing prosecution in the present case only and none else.

Further, learned counsel for the petitioner submits that petitioner is inside jail since 10.07.2024 and out of a total 16 prosecution witnesses, only 02 have been examined. Notably, other two co-accused namely, Reena @ Reena Rani and Kamlesh Sharma have already been released on regular bail vide order dated 25.02.2025 passed in CRM-M-1217-2025 (Annexure P-3) and vide order dated 15.05.2025 passed in CRM-M-25568-2025 (Annexure P-4) respectively. Thus, counsel for the petitioner prays for grant of regular bail to the petitioner in the present case.

4. Learned State counsel, while opposing the prayer and submissions advanced by learned counsel for the petitioner, however, he does not deny the fact that petitioner is in custody since 10.07.2024, thus, prays for dismissal of bail.

5. This Court has heard the submissions addressed by learned counsel for the parties and has carefully perused the record available before it.

6. In the light of the facts and circumstances of the present case, as noticed here-above, and also keeping in view the observations made by this Court in the case of the similarly situated co-accused, this Court finds no justifiable ground to deny the concession of regular bail to the petitioner at this stage. The matter is still at the stage of trial, and the final determination of guilt or otherwise can be arrived at only after the prosecution evidence is led and tested in accordance with law. Without expressing any opinion on the merits of the case, this Court is of the considered view that further incarceration of the petitioner would not serve any useful purpose.

Consequently, prayer made in the present petition is allowed.



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Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

7. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

8. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

9. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

10. Petition stands disposed of.

Pending misc. application(s), if any, also stand disposed of.

February 12, 2026

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

(SANJAY VASHISTH)
JUDGE