



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

107

CRM-M No.69243 of 2025
Date of Decision: 07.04.2026

Gurwinder Singh @ Gindu ... Petitioner
Versus
State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Karandeep Singh Sidhu, Advocate,
for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab,
for the respondent-State.

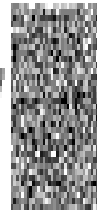
MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
105	07.08.2024	Kot Ise Khan, District Moga, Punjab	15, 25 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short ‘NDPS Act’)

2. As per the allegations, on 07.08.2024, a secret information was received to the effect that the accused Pippal Singh (lodged in jail in connection with some other case) along with his son Inderjit Singh, Joga Singh, co-accused Manjit Singh @ Mani and his brother Sarabjit Singh was engaged in the business of sale/purchase of poppy husk on large scale and on that very day also, they had parked a vehicle on dargahi road for the purpose of supplying poppy husk and could be apprehended.

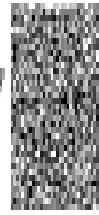
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Believing the secret information to be true, a raiding party was formed which reached at the informed place and found one youth to be present along with one pick up vehicle. The said youth, however, managed to flee. On checking the vehicle, 30 bags of poppy husk were found kept in the vehicle which were measuring 20 kg each. Accused Pippal Singh was arrested on 31.08.2024. The accused Manjit Singh and Joga Singh were also apprehended subsequently. Accused Manjit Singh suffered disclosure statement to the effect that at the relevant time, he was driving a Swift car belonging to the petitioner Gurwinder Singh @ Gindu that was used as a pilot to the pick up vehicle from which recovery was effected and also that he had fled on seeing the police officials after leaving pick up vehicle. The petitioner was nominated as an accused. He surrendered on 02.11.2025. Investigation stands concluded.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of co-accused Manjit Singh which cannot be considered to be admissible in evidence. The Bolero pick up vehicle belong to his father and had been borrowed by co-accused Sarabjit Singh, brother of accused Manjit Singh who is uncle of the petitioner. No recovery has been effected at his instance. He is in custody since long. The trial will take considerable time to conclude. The co-accused Manjit Singh and Jugraj Singh have been extended benefit of bail. His case is even at a better footing and hence, he too deserves to be extended the same benefit. His involvement in two other cases cannot be considered to be a reason for denying benefit of bail to him.

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There is no basis for the allegation that at the time of occurrence, he was travelling in some other car and had been acting as a pilot for safety of the contraband kept in Bolero pick up vehicle. It is, therefore, argued that he deserves to be released on bail.

4. Status report has been filed. Learned Senior Deputy Advocate General, Punjab has argued that the allegations against the petitioner are serious in nature. He along with the co-accused was travelling in a Swift car at the time when the recovery was effected from Bolero pick up vehicle driven by co-accused Gurmail Singh. Recovery of commercial quantity of contraband has been effected from Bolero pick up vehicle. There are chances of petitioner's committing similar offences or absconding, if extended benefit of bail. It is, therefore, argued that the petition does not deserve to be allowed.

5. This Court has considered the rival submissions.

6. The petitioner is alleged to have been doing recce of Bolero pick up vehicle from which recovery of commercial quantity of contraband had been effected. As per the allegations, he was riding in a Swift car as an escort at the time when the recovery was effected. It is on thorough assessment of the evidence to be produced at trial that any conclusion as to the complicity of the petitioner in commission of subject offences can be drawn. No contraband has been recovered at his instance and as such, it is a debatable question as to whether the ingredients of Section 37 of NDPS Act are attracted qua him or not? Taking into consideration the above discussed facts, this Court is of the considered opinion that the petition deserves to be



allowed. Accordingly, the same is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

7. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

07.04.2026
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No