



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

207

CRM-M-69721-2025 (O&M)

Date of decision: 02.02.2026

Gursahib Singh @ Sahib

...Petitioner(s)

VERSUS

State of Punjab

...Respondent(s)

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

Present :- Mr. Vaibhav Narang, Advocate for the petitioner(s).

Mr. Mohit Kapoor, Sr. DAG Punjab.

VINOD S. BHARDWAJ, J. (Oral)

1. This second petition has been filed for grant of regular bail to the petitioner(s) in case bearing FIR No.57 dated 14.03.2025, registered under Section(s) 21(C), 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Gharinda, District Amritsar Rural.

2. The facts giving rise to the registration of the present FIR, as reflected in the challan dated 02.09.2025 are being adverted to hereinafter.

The relevant extract thereof reads as under:—

“The brief facts of the case are that on 14.03.2025 SI Rajbir Singh along with ASI Rashpal Singh No. 734/Asr-R, CT Palwinder Singh 1759/Asr.-R along with private laptop and printer on public vehicle Bolero Camper bearing no. PB 02 DS 245 whose driver was S/CT Rajender Singh 249/Asr-R were patrolling in search of bad elements and were present at T.



point Attari at around 4.00 PM one secret informer came present and informed myself SI that Gursahib Singh alias Sahib son of Nirvail Singh resident of Village Raja Tal and Jaswant Singh alias Jass son of Lakhbir Singh resident of village Hardo Rattan Police Station Gharinda both of them together doing the business of selling heroin, today also both of them are present at village Hardo Rattan and along with defence drain at the passage on their motorcycle with huge quantity of heroin are going to supply at Attari side if the police post be created at Hardo Rattan Dhanoye side at Dhusi if both of them be checked then from them huge quantity of heroin and other intoxicant substance can be recovered. The information is trustworthy strong and without doubt, the offence comes under the purview of section 21-C, 25, 29/61/85 NDPS Act therefore, ruqa written and for registration of FIR its being sent by hand CT Palwinder Singh 1759 Asr.-R and sent to police station Gharinda. SI Rajbir Singh along with his colleagues were going to village Hardo Rattan from Attari side along the defense drain on the Kacha Path when the police party reached the government garden near Attari near, then from the first side from. Hardo Rattan Khurd side, two youths were coming from the village Hardo Rattan side on a Kacha Path on a motorcycle brand Discover color red/black. The motorcycle was being driven by



a Sikh person and the clean shaven young man was sitting behind him. SI Rajbir Singh caught both the youths alongwith the motorcycle on the basis of suspicion and asked them their names and addresses one by one. The Sikh person told his name as Gursahib Singh alias Sahib son of Nirvaal Singh resident of village Patapur Police Station Gharinda, whom SI Rajbir Singh told that "I am SI Rajbir Singh as Incharge Chowki Kahangar Police Station Gharinda posted, I am wearing uniform and name plate is affixed. Your search is to be conducted. But you have this legal right that you can get your search conducted from any magistrate or any gazetted officer for which I can arrange spot opportunity." On which accused Gursahib Singh alias Sahib aforesaid said that I want to get my search conducted from some gazetted officer. On which SI Rajbir Singh prepared fard of disagreement. Then SI Rajbir Singh asked name and address from the second young man who stated his name as Jaswant Singh alias Jass son of Lakhbir Singh resident village Hardo Ratan Police Station Gharinda. Whom SI Rajbir Singh told that "I am SI Rajbir Singh as Incharge Chowki Kahangar Police Station Gharinda posted, I am wearing uniform and name plate is affixed. Your search is to be conducted. But you have this legal right that you can get your search conducted from any magistrate or any gazetted officer



for which I can arrange spot opportunity." On which accused Jaswant Singh alias Jass aforesaid said that I want to get my search conducted from some gazetted officer. On which SI Rajbir Singh prepared fard of disagreement. SI Rajbir Singh via mobile informed DSP Sahib Sri Lakhwinder Singh PPS Deputy Police Captain Subdivision Attari Ji about all circumstances and requested to come at spot. After some time, DSP Sahib Sri Lakhwinder Singh PPS Deputy Police Captain Subdivision Attari on government vehicle along with gunmen staff arrived at spot. Whom SI Rajbir Singh informed about all circumstances. DSP Sahib Sri Lakhwinder Singh PPS Deputy Police Captain Subdivision Attari Ji told accused Gursahib Singh alias Sahib son of Nirvaal Singh resident village Rajatal Police Station Gharinda that "I am Lakhwinder Singh PPS as Deputy Police Captain Sub Division Attari Amritsar Rural posted. I am wearing uniform and name plate is affixed. Your search is to be conducted. But you have this legal right that you can get your search conducted from any magistrate for which I can arrange spot opportunity." On which accused Gursahib Singh alias Sahib aforesaid said that I want to get my search conducted from you Sir. I have trust on you Sir. On which fard of consent was prepared and on searching accused Gursahib Singh aforesaid from right pocket of his worn pajama mobile



marka oppo color violet whose IMEI1-864017070358816 and IMEI2-864017070358808 without SIM was recovered. Which recovered mobile was taken into police possession as motive evidence through separate fard. After this accused Jaswant Singh alias Jass son of Lakhbir Singh resident village Hardo Ratan Police Station Gharinda was told that "I am Lakhwinder Singh PPS as Deputy Police Captain Sub Division Attari Amritsar Rural posted. I am wearing uniform and name plate is affixed. Your search is to be conducted. But you have this legal right that you can get your search conducted from any magistrate for which I can arrange spot opportunity." On which accused Jaswant Singh alias Jass aforesaid said that I want to get my search conducted from you Sir. I have trust on you Sir. On which fard of consent was prepared. Then SI Rajbir Singh as per directions of Honorable DSP Sahib conducted search of Jaswant Singh alias Jass son of Lakhbir Singh resident village Hardo Ratan Police Station Gharinda. During search from right pocket of worn pant of Jaswant Singh alias Jass son of Lakhbir Singh resident village Hardo Ratan Police Station Gharinda mobile marka real me color golden whose IMEI1-883511069686279 and IMEI2-8635110908626 without SIM was recovered. Which recovered mobile was taken into police possession as motive evidence through separate fard. During



search of Jaswant Singh alias Jass son of Lakhbir Singh resident village Hardo Ratan Police Station Gharinda from his worn shirt A wax envelope of significant weight was recovered from inside the shirt, about which accused Jaswant Singh alias Jass stated that it contained white powder (heroin). Upon opening and examining the wax envelope, a packet of significant weight was recovered. Upon checking this packet, heroin was found. The recovered heroin along with the packing material was electronically weighed by SI Rajbir Singh and weighed 561 grams. The recovered 561 grams of heroin along with packing material were packed into a plastic box and a parcel was prepared. The parcel's mouth was tied with thread and sealed by SI Rajbir Singh with his final RS seal, and the parcel was also sealed by DSP Sahib with his final LS seal. A sample seal was prepared separately. After sealing, SI Rajbir Singh handed over the parcel to ASI Rashpal Singh 734/ASR-R for further use, and DSP Sahib kept his seal with him. The recovered 561 grams of heroin along with packing material was taken into police custody as evidence through separate entries. The motorcycle with registration number PB02CJ0826 was also taken into police custody separately. Video recording of the scene was done through e-Shaksha app. Accused Gursahib Singh alias Sahil and Jaswant Singh alias Jass were



arrested later on as per the case and in accordance with the investigation.”.

3. Learned counsel for the petitioner contends that the alleged recovery of contraband was effected from the pocket of co-accused/Jaswant Singh and not from the petitioner. He contends that the said co-accused had taken a lift from the petitioner and that the petitioner had no knowledge whatsoever regarding the possession of any contraband by the said co-accused/Jaswant Singh. It is contended that no recovery of any nature whatsoever, except for a mobile phone has been effected from the petitioner. He contends that the petitioner is not involved in any other criminal case and has been in custody since 14.03.2025 and has undergone an actual custody of nearly 10 months. He submits that the charges are yet to be framed and a total 13 prosecution witnesses are also yet to be examined.

4. Learned counsel for respondent-State, on the other hand, contends that the petitioner was specifically named in the secret information, hence, his involvement in the offence stands prima facie established. However, learned State counsel does not dispute that the petitioner is not involved in any other criminal case and that no actual recovery of any contraband or drug money has been effected from his possession or at his instance. The stage of trial is also not disputed.

5. Having heard the learned counsel for the parties and taking into consideration the nature of the allegations levelled against the petitioner, the period of actual custody already undergone by him, the fact that the recovery



207

CRM-M-69721-2025 (O&M)

of contraband was effected from the co-accused Jaswant Singh and not from the petitioner, the present stage of the trial, the clean antecedents of the petitioner, and further bearing in mind that the conclusion of the trial is likely to take a considerable period of time, I deem it fit to allow the instant petition.

6. Accordingly, the instant petition is allowed and the petitioner is ordered to be admitted to regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate concerned.

7. It is made clear 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 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.

(VINOD S. BHARDWAJ)
JUDGE

02.02.2026
Mangal Singh

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