



CRM-M-70080-2025

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

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Date of Decision: 17.03.2026

GUR IQBAL SINGH @ GUR IQBAL SINGH VAR VAR**... PETITIONER****VERSUS****STATE OF PUNJAB****... RESPONDENT****CORAM : HON'BLE MR. JUSTICE H.S.GREWAL**

Present:- Mr. Vivek K. Thakur, Advocate for the petitioner.

H.S. Grewal, J.(Oral)

1. This petition has been filed under Section 483 of the BNSS, 2023 for grant of regular bail to the petitioner in FIR No. 07 dated 04.02.2023 under Section 21 of NDPS Act registered at Police Station Dhilwan, District Kapurthala.

2. The case of the prosecution is that petitioner has made a confessional statement while he was in custody in FIR No. 02 dated 03.01.2023 registered at Police Station Dhilwan District Kapurthala that he is in the business of selling heroin and thereafter it has been further alleged that the recovery of 950 grams of heroin has been effected from the one motor room of village Gaji Guddana.

3. Learned counsel for the petitioner submits that the alleged recovery has been falsely planted upon the petitioner. He further submits the subsequent recovery was effected from the disclosure statement of the petitioner but at the time of alleged recovery, no public witness, no member of

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panchayat was associated from the locality by the police. He further submits that the petitioner is in custody since 04.02.2023 and prays for grant of regular bail.

4. Notice of motion.

5. Mr. P.S. Pandher, learned Assistant Advocate General, Punjab, accepts notice on behalf of the respondent-State and has vehemently opposed the prayer for grant of regular bail on the ground that the alleged contraband recovered falls within the category of commercial quantity. He has filed the custody certificate in the Court today and the same is taken on record. He further submits that the petitioner is in custody for the last 02 years 11 months and 29 days and is involved in many other cases. It is also submitted that challan has been filed and out of 10 cited prosecution witnesses only 05 witnesses have been examined so far.

6. I have heard the submissions made by the parties and gone through the record.

7. After hearing the rival contentions and considering the fact that the petitioner is in custody for the last 02 years 11 months and 29 days, out of 10 cited prosecution witnesses only 05 witnesses have been examined so far, the official witnesses are not appearing before the trial Court to depose against the petitioner, thereby resulting in delay of trial in cases registered under the provisions of the NDPS Act. Apart from that, such conduct not only amounts to interference in the administration of justice, but is also violative of the rights of the accused guaranteed under Article 21 of the Constitution of India. Keeping in view the long incarceration of the petitioner; none witness has been



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examined so far; the trial is likely to take a long time to conclude, the continuous detention of the petitioner would not serve the ends of justice. Therefore, this Court deems it a fit case to grant the concession of regular bail to the petitioner during the pendency of the trial.

8. Hence, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bail bonds, surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

9. Nothing discussed hereinabove shall be construed as an expression of opinion on the merits of the case.

10. It is clarified that if while on bail so granted through the instant order, the petitioner is found indulged in any other criminal case/activity, it shall be open to the State to seek cancellation of his bail.

11. Pending applications, if any shall also stand disposed of.

17.03.2026

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(H.S.GREWAL)
JUDGE

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