



CRM-M-71940-2025

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

CRM-M-71940-2025

Date of decision : 16.02.2026

Gurjant Singh

....Petitioner

versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Amit Arora, Advocate
for the petitioner.

Mr. K.D. Sachdeva, D.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed for grant of regular bail in case FIR No.135 dated 02.10.2015, under Section 21 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sarhali, District Tarn Taran.

2. Succinctly the facts of the case are that the Police party while on patrolling on 02.10.2015, when reached near village Sarhali, saw a young person coming and on seeing the police he got perplexed and was about to throw a polythene packet after taking it out from the right pocket of his lower, however, on suspicion he was apprehended. On asking, he disclosed his name to be Gurjant Singh @ Janta (present petitioner). He was suspected to be carrying some contraband in the polythene packet which he was carrying, hence, the same was searched. On conducting the search, 50 grams of heroin was recovered. He failed to produce any license regarding possession of the same and hence, the FIR was registered and he was arrested on spot. Thereafter, the petitioner was



released on regular bail by the trial Court and he was regularly appearing before the same for facing the trial. However, on 30.11.2018, due to non-appearance of the petitioner before the trial Court, his bail was cancelled and ultimately, he was declared a proclaimed offender on 05.09.2019. Thus, the petitioner got re-arrested in the present FIR on 17.11.2025. Investigation commenced. The samples taken were sent to the FSL. On receipt of FSL report, challan was presented and on framing of charges, trial commenced. The petitioner approached Learned Additional Sessions Judge, Tarn Taran praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned trial Court vide order dated 06.12.2025. Aggrieved by the same, the petitioner is before this Court by way of filing of present petition for grant of bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He submits that the petitioner had been arrested on the allegation of recovery of 50 grams of heroin on 02.10.2015. He submits that as the alleged recovery was non-commercial in nature, the petitioner was granted bail in 2015 itself. He submits that the petitioner was regularly appearing before the trial Court for facing trial, however, on one date i.e. 30.11.2018, he remained absent and thus, his bail was cancelled and thereafter, he was declared a proclaimed offender on 05.09.2019. He submits that the petitioner was thereafter again arrested on 17.11.2025. He submits that the petitioner is behind bars since 17.11.2025. He submits that though the petitioner is falsely implicated in other cases as well, however, he is on bail in those cases. He thus, submits that in the facts and circumstances of the case, the petitioner deserves to be granted bail.



4. Per contra, learned State counsel has opposed the submissions made by the counsel for the petitioner and submits that though the recovery effected of 50 grams of heroin is non-commercial in nature, however, the petitioner has misused the concession of bail granted to him. He submits that the petitioner is a habitual offender as he is involved in other cases as well. He, on instructions, has submitted that out of total 08 prosecution witnesses, only 02 witnesses have been examined so far. He has produced the custody certificate of the petitioner on record.

5. After hearing counsel for the parties and perusing the record, it is deciphered that admittedly the petitioner was granted bail in 2015, when the alleged recovery of 50 grams of heroin was effected from him. However, thereafter, he was declared a proclaimed offender and he is behind bars since 17.11.2025. There is no denial to the fact that the alleged recovery from the petitioner is 50 grams of heroin which is a non-commercial quantity. Though he is said to be involved in 03 other cases, however, he is on bail in one of them.

6. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

7. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the



case.

8. In case the bail bonds are not furnished by the petitioner during the period of 07 days from today, then his further custody period after one week will not be counted in the present case.

16.02.2026
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(RAJESH BHARDWAJ)
JUDGE

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