



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

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CRM-M-72721-2025Date of Decision:-09.01.2026

**GURPREET SINGH ALIAS GUCCI
VS.**

.....PETITIONER**STATE OF PUNJAB****....RESPONDENT****CORAM:- HON'BLE MR. JUSTICE SUBHAS MEHLA**

Present:- Mr. Manik Makkar, Advocate for the petitioner.

SUBHAS MEHLA, J.(ORAL)

1. By way of the present petition, the petitioner is seeking regular bail in FIR No.118 dated 04.08.2024 under Sections 21 of NDPS Act, 1985 and Section 340(2) and 317(2) of the BNS, 2023, registered at Police Station Sadar Samana, District Patiala, Punjab (Annexure P-1).

2. Learned counsel for the petitioner contended that the petitioner is falsely involved in this case. He further contended that the alleged recovered contraband is 55 grams of heroin, which falls under the intermediate quantity and he is in custody since 04.08.2024 i.e. more than 1 year and 5 months. Learned counsel further submitted that only 1 out of 20 prosecution witnesses has been examined so far and the trial will take sufficient time to conclude. As far as pending cases are concerned, learned counsel relied upon the judgment of Hon'ble Supreme Court in ***Prabhakar Tewari Vs. State of U.P., and another 2020(1) R.C.R. (Criminal) 831***, wherein the petitioner has been able to make out a case for grant of bail.

3. Notice of motion.

4. Mr. Surinderjit Singh Nahar, Asst. AG, Punjab accepted the



notice on behalf of the respondent-State and produced the custody certificate of the petitioner, which is taken on record. Learned State counsel vehemently opposed the prayer for grant of regular bail to the petitioner by submitting that the petitioner is a habitual offender and is involved in 7 other criminal cases, out of which 6 cases are registered under the NDPS Act. It is further submitted that if the petitioner is released on bail, he is likely to indulge in similar kind of offence.

5. Heard.

6. Keeping in view the facts and circumstances of the case that the alleged recovery of contraband falls under the category of intermediate quantity; petitioner is in custody since 04.08.2024 i.e for the last more than 1 year and 5 months; trial will take sufficient time to conclude as only 1 out of 20 prosecution witnesses has been examined and no fruitful purpose would be served by keeping him in custody for any further period, as concession of bail cannot be denied just as measure of punishment as culpability of the accused will be decided at the final stage by the trial Court after appreciating the evidences adduced by both sides and it is trite principle of criminal jurisprudence that bail is rule, jail is an exception, this Court deems it a fit case to grant the concession of regular bail to the petitioner.

7. Therefore, 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 bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned with a condition that, if after being released on bail, he is found to be involved in any case under the NDPS Act or if any FIR is registered against him, the prosecution



shall be at liberty to move an application for cancellation of bail, which shall be decided by the trial Court in accordance with law.

8. Nothing observed hereinabove shall be construed to be expression of an opinion by this Court on merits of the case. The learned Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

January 09, 2026
Kusum

(SUBHAS MEHLA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>