

CRM-M-24530-2025 &
CRM-M-29330-2025

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

1) **CRM-M-24530-2025**
Date of Decision: 16.09.2025

GURPREET SINGH ALIAS GUNNI Petitioner

Versus

STATE OF PUNJAB Respondent

2) **CRM-M-29330-2025**

SAUDAGAR SINGH ALIAS MANI FAUJIPetitioner

Versus

STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. Gaurav Singh Bhatti, Advocate
for the petitioner in CRM-M-24530-2025.

Mr. A.S. Brar, Advocate
for the petitioner in CRM-M-29330-2025.

Mr. Gorav Kathuria, DAG Punjab.

YASHVIR SINGH RATHOR, J. (Oral)

1. By this common order, above noted bail applications shall be adjudicated as the same have arisen out of the same FIR.

2. This is the first application under Section 483 of BNSS, 2023 for grant of regular bail in case FIR No.92, dated 21.06.2024



registered at Police Station Sadar Kotkapura, District Faridkot, under Sections 21, 22 & 29 of NDPS Act, 1985 (Annexure P-1).

3. Learned counsel for the petitioner as well as learned State counsel have been heard and material collected by the police during investigation has been perused.

4. In compliance of order dated 06.08.2025, status report by way of affidavit dated 15.09.2025 of Jatinder Singh PPS, Deputy Superintendent of Police Sub-Division Kotkapura, District Faridkot filed (in both cases) on behalf of the respondent-State is taken on record. Registry is directed to tag the same at an appropriate place.

5. Brief facts of the prosecution case are that on 21.06.2024 at about 1.50 PM, ASI Chamkur Singh alongwith other police officials was present near Dera Radha Swami, Faridkot, when he received a secret information to the effect that Gurpreet Singh @ Gunni and Lakhnveer Singh @ Kheeri indulge in supply of zarda, beeri/cigarettes, heroin, intoxicating capsules, intoxicating tablets and mobile phones to Modern Central Jail, Faridkot by wrapping them in tape and they throw the same inside the jail from outside during the dark hours. Today, they are present in their agriculture fields on the tracks towards Jalaleana Village on Kotkapura, Faridkot Highway alongwith the contraband and mobile phones and in case, raid is conducted, they can be apprehended alongwith huge quantity of contraband. The information was found to be reliable and ruqa was sent to the police station for registration of FIR. Thereafter, the police party reached the disclosed place and a raid was conducted from where Gurpreet Singh @ Gunni and Lakhnveer Singh @ Kheeri were apprehended with 15 grams of heroin, 350 loose intoxicating



capsules of red colour without strips, 700 loose intoxicating tablets without strips, 5 mobile phones make Hero, 2 mobile phones make Nokia without SIM, one mobile phone make Jio without SIM, 143 packets of zarda, 188 bundles of beeries, 5 tape rolls of yellow colour and one motorcycle bearing registration No.PB-04X-6148 which were taken into possession. On interrogation, they disclosed that they were acquainted with one in jail namely Saudagar Singh Fauji (petitioner) and Gaurav and they remain in touch with him telephonically and supply narcotics and other material to said Saudagar Singh Fauji by throwing the same across the wall of the jail at their instance. Thereafter, accused Saudagar Singh Fauji as well as other accused Gaurav were arrested and after completion of investigation, final report under Section 173 Cr.P.C. has been presented.

6. Learned counsel for the petitioner (Gurpreet Singh) argued that petitioner has been falsely implicated in the present case and false recovery has been planted upon him. 15 grams of heroin and 303 grams of tramadol hydrochloride have been allegedly recovered. Petitioner is in custody since 21.06.2024. Challan has already been presented in the present case and out of 57 witnesses cited by the prosecution, only one witness has been examined till date. The trial is certainly going to take sufficiently long time to conclude and in these circumstances, further detention of the petitioner is not required and he deserves to be released on bail.

7. Learned counsel for the petitioner (Saudagar Singh) argued that petitioner has been falsely implicated in the present case. He was confined in jail and he has been nominated as an accused on the basis of



disclosure statement of co-accused from whom recovery was effected. No contraband has been recovered from his possession. Petitioner is in custody since 21.06.2024. The disclosure statement suffered by co-accused is not admissible in evidence and there is no other evidence against him except the disclosure statement of the co-accused as well as his own disclosure statement. The trial is likely to take some more time to conclude and in view of his prolonged incarceration, petitioner is entitled to be released on bail.

8. On the other hand, learned State Counsel has opposed the bail and argued that 15 grams of heroin which is above the small quantity and 303 grams of tramadol hydrochloride have been recovered which falls within the commercial quantity and rigors of Section 37 of NDPS Act are attracted, which bar grant of bail, unless twin conditions prescribed in the said provision are satisfied. However, in view of the huge recovery, it cannot be presumed that petitioner is not guilty of the offence or that he is not likely to commit the offence, in case he is released on bail. Learned counsel contended that the bail application be dismissed.

9. As per allegations, petitioner (Gurpreet Singh) was found to be in possession of 15 grams of heroin and 303 grams of tramadol hydrochloride. Petitioner is in custody since 21.06.2024 and only 01 witnesses has been examined out of 57 prosecution witnesses till date and trial thus has been delayed and there is also no likelihood of the same being concluded soon. Petitioner (Saudagar Singh) was confined in jail and has been nominated as an accused on the basis of disclosure statement of co-accused, from whom recovery was effected. No



contraband has been recovered from possession of petitioner-Saudagar Singh. Petitioner is in custody since 21.06.2024 and there is no other evidence against him except disclosure statement of co-accused as well as his own disclosure statement. Hon'ble Supreme Court in 2023 Live Law (SC) 533, *Rabi Prakash Vs. State of Odisha* has held that prolonged incarceration, generally militates against the most precious fundamental right guaranteed under Article 21 of the Constitution and in such a situation, the conditional liberty must override the statutory embargo created under Section 37 of the NDPS Act. To the same effect is the law laid down by Hon'ble Supreme Court in 2024 (4) RCR (Criminal) 172, *Ankur Chaudhary Vs. State of Madhya Pradesh* and 2023 AIR(SC) 1648, *Mohammad Muslim alias Hussain Vs. State (NCT of Delhi)* in which Hon'ble Supreme Court while granting regular bail to an accused, from whom commercial quantity of contraband was recovered, has held that grant of bail on the ground of undue delay in trial cannot be said to be fettered by Section 37 of the NDPS Act. A co-ordinate Bench of this Court has also held so in judgment reported as Law Finder Doc Id #2770222 – *Garpawandeep Singh alias Bihari Vs. State of Punjab* decided vide judgment dated 27.08.2025 passed in CRM-M-19408 of 2025 wherein 260 grams of heroin was allegedly recovered. Hon'ble Supreme Court while deciding Special Leave to Appeal (Criminal) No.12788/2023 titled *Nandalal Mondal alias Abhay Mondal Vs. The State of West Bengal*, vide judgment dated 03.01.2024 while taking into consideration the period of custody already undergone by the petitioner/under-trial, the fact that he does not have any criminal antecedents and also keeping in view the prolonged incarceration,



ordered release of the petitioner on bail who was also found in possession of 10,000 ml of codeine phosphate- a cough syrup which falls within the commercial quantity.

10. Therefore, taking into consideration the facts and circumstances of the present case and also the ratio of law laid down in afore-mentioned case laws, I am of the opinion that no useful purpose will be served by keeping the petitioners in custody and resultantly, the present petition is allowed and the petitioners are ordered to be released on bail on their furnishing bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, on usual terms and conditions. However, in addition to the terms and conditions that may be imposed by the trial Court/Duty Magistrate concerned, petitioners shall remain bound by the following conditions:-

- (i) Petitioners shall not misuse the concession of bail granted to them.
- (ii) Petitioners shall not tamper with any evidence, oral or documentary during the trial.
- (iii) Petitioners shall regularly appear before the trial Court and he will not commit any offence of similar nature while on bail.
- (iv) Petitioner shall deposit his passport, if any, with the trial Court.
- (v) Petitioners shall not in any manner delay the trial.

In case of breach of any of the aforesaid conditions or the conditions that may be imposed by the trial Court or upon any other

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sufficient cause, the State shall be at liberty to apply for cancellation of
bail.

**(YASHVIR SINGH RATHOR)
JUDGE**

16.09.2025

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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No