



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

225

CRM-M-28654-2025

Date of decision: May 28th, 2025

Gursimranjeet Singh @ Gursimranjit Singh @ Sodhi

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sandeep Godara, Advocate
for Mr. Ajay Pal Singh Rehan, Advocate
for the petitioner.

Mr. Shiva Khurmi, Assistant Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of regular bail in FIR No.139 dated 20.11.2023 under Sections 22 and 29 of The NDPS Act registered at Police Station Hariana, District Hoshiarpur.

2. Learned counsel for the petitioner submits that the petitioner was nabbed on suspicion leading to the recovery of 254 grams of tramadol powder, which is just marginally higher than the minimum classified as commercial under the NDPS Act. Learned counsel has submitted that the FIR in question dates back to 20.11.2023, however, till date the trial has not concluded as only four prosecution witnesses out of the ten have been examined. A prayer has, therefore, been made in the circumstances to extend the concession of bail to the petitioner, more so when the petitioner has never previously been booked in a case under The NDPS Act.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not disputed the custody period of the petitioner nor has he, on instructions from ASI Jagdish Kumar, disputed that the alleged recovery i.e. 254 grams of tramadol powder is just marginally higher than the minimum classified as commercial under The NDPS Act. Learned State counsel has submitted that although the FIR dates back to 20.11.2023, however, the petitioner was enlarged on interim bail to await the receipt of FSL report and thereafter the petitioner was taken into custody on 19.03.2024.

4. On a pointed query, learned State counsel has submitted that six prosecution witnesses still remain to be examined and the next date fixed before the trial Court is 10.07.2025. On being asked as to whether the petitioner is facing trial in any other case under The NDPS Act, learned counsel for the State has placed on record the custody certificate, as per which the petitioner is not booked in any case under The NDPS Act, although he is shown to be booked in three cases under The Mines and Minerals Act, Excise Act and IPC.

5. On being pointedly asked as to whether the petitioner has misused the concession of interim bail granted to him in the present case, learned State counsel, on instructions, has replied in the negative.

6. I have heard learned counsel for the parties and perused the material placed on record.

7. The petitioner has been in custody since 19.03.2024. The possibility of the trial concluding in the near future looks remote as the next date fixed before the trial Court is 10.07.2025 when some of the other remaining prosecution witnesses are likely to be examined.

8. In the facts and circumstances and keeping in view the fact that the petitioner has not been ever booked in any other case under The NDPS Act, the instant petition is allowed and the petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. The learned trial Court/Duty Magistrate may impose any stringent conditions as it deems necessary to secure the presence of the petitioner during trial.

9. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

10. Needless to say, in case the petitioner misuses the concession of bail, the State would be at liberty to seek cancellation of the same.

May 28th, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No