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

CRM-M-48191-2025

Date of Decision: 04.09.2025

Gurwinder Singh @ Jangira

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Pushpinder Singh, Advocate, for the petitioner.

Mr.Raj Karan Singh, AAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Petitioner has approached by way of filing the present petition praying for grant of regular bail in case FIR No.172 dated 16.07.2022 under Section 22 of NDPS Act, 1985 registered at Police Station Lambi, District Sri Muktsar Sahib.

2. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case. He has submitted that as per the case of the prosecution, the police while on patrolling arrested the petitioner and the co-accused. From the petitioner, the alleged recovery effected was 15 intoxicating tablets and from co-accused Surinder Singh @ Kala 29 intoxicating tablets (all tablets containing Etizolam) were recovered. He submits that the petitioner was arrested on the spot, however, he was granted regular bail by this Court vide order dated 15.12.2022. He submits that the petitioner was duly appearing before the trial Court on all the dates, however, on one date i.e. 06.11.2024, he failed to appear before the trial Court due to unavoidable circumstances and thus, his bail was cancelled on the same day. He submits that thereafter, the petitioner surrendered on 21.04.2025 and since then he is behind bars. He further submits that as per FSL report, 15 tablets allegedly recovered from the



petitioner contain 0.888 gram Etizolam, which is a non-commercial quantity and hence, provisions of Section 37 of the NDPS Act are not attracted. He submits that the petitioner is behind bars 21.04.2025, however, there is no material progress in the trial. He, thus, submits that in the overall facts and circumstances, the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has vehemently opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner was granted regular bail, however, he misused the concession of regular bail and thus, the same was rightly cancelled by the trial Court. It is submitted that the co-accused, namely, Surinder Singh @ Kala died during the trial. On instructions, he submits that out of total 17 prosecutions witnesses, 11 witnesses remain to be examined. He has placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the alleged recovery effected from the petitioner is 15 intoxicating tablets, which as per FSL report contain 0.888 grams of Etizolam. Total custody of the petitioner as per the custody certificate is 09 months & 13 days as on 02.09.2025. It further reveals that the petitioner is involved in two other cases, however, he is on bail in those cases.

6. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned



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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.

8. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

04.09.2025

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Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No