

CRM-M-40504-2023 (O&M)  
CRM-M-43415-2023 (O&M) -1-

2025.PHHC:047213



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

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**CRM-M-40504-2023 (O&M)  
Date of Decision:- 04.04.2025**

GURPAVITAR SINGH @ SAI

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

**CRM-M-43415-2023 (O&M)**

HARJINDER SINGH @ HATHORI

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

**CORAM: HON'BLE MR. JUSTICE SANJIV BERRY**

Present:- Mr. Rishu Mahajan, Advocate for the petitioners.

Mr. Ankit Grewal, DAG Punjab.

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**SANJIV BERRY, J. (ORAL)**

1. By way of this common order, the above-mentioned two criminal miscellaneous petitions shall be decided as they arise out of same FIR.

2. The instant petitions have been preferred by the petitioners under Section 439 CrPC for grant of regular bail to the petitioners in the following case :-



<b>FIR No.</b>	<b>Dated</b>	<b>Sections</b>	<b>Police Station</b>
80	11.10.2022	21 and 29 NDPS Act; 25(6)(7)(i) Arms Act; 10/11/12 of Aircraft Act,	Valtoha, District Tarn Taran

3. It is, *inter alia*, contended by learned counsel for the petitioners that the petitioners are innocent and have been falsely implicated in this case. He submits that the petitioners have been nominated in the FIR on the basis of secret information, despite the fact that both the petitioners were lodged in custody in some other case and have no concern whatsoever with the allegations levelled in the FIR, which are without any basis. He contends that the recovery of contraband has been effected from co-accused Nirmal Singh and Gursewak Singh, with whom the petitioners have no concern. The petitioners were arrested after taking their production warrants on 11.01.2023 and after their arrest, no recovery whatsoever has been effected from the petitioners. Challan has already been presented in Court and the trial is moving at a snail's pace as only 06 out of 14 witnesses have yet been examined. Thus prays for grant of concession of bail to the petitioners.

4. *Per contra*, learned State counsel while referring to the reply filed by the State has opposed the grant of bail to the petitioners on the ground that the recovery effected in this case falls under the purview of commercial quantity and the petitioners were specifically nominated by the co-accused Gursewak Singh and Nirmal Singh in their disclosure statement. Thus, prays for dismissal of the bail petitions.

5. Heard learned counsel for the parties and perused the record.



6. After considering the rival contentions and perusing the record, it is observed that the instant FIR was registered on the basis of secret information that the petitioners were indulging in narcotics smuggling from cross border along with other co-accused. Consequently, the FIR was registered. It is not disputed that even in the information, on the basis of which the FIR was registered, it was specifically mentioned that petitioners were lodged in jail at the relevant time. They were taken on production warrants by the Police and were formally arrested on 11.01.2023. Admittedly, no recovery of contraband has been effected from the petitioners and the allegations levelled by the prosecution qua the involvement of the petitioners in narcotic smuggling, are yet to be established and the conclusion of trial to ascertain the criminal liability, if any, will take sufficient long time, as only 06 witnesses out of 14 have yet been examined by the prosecution. The petitioners are in custody since 11.01.2023, and the criminal liability, if any, of the petitioner, could only be determined after the conclusion of trial, which may take sufficient long time. In the circumstances, no purpose would be served by detaining the petitioner any longer.

7. Consequently, without commenting on the merits of the case, the present petitions are allowed. The petitioners are ordered to be released on bail subject to their furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court;



and not to tamper with evidence of prosecution in any manner.

8. It is further made clear that in case the petitioner is found involved in any case under NDPS Act, after his release on bail, it will be open for the prosecution to move an application for cancellation of his bail in accordance with law.

9. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

10. Pending miscellaneous application(s), if any, stands disposed of.

**(SANJIV BERRY)**  
**JUDGE**

**04.04.2025**

*S.Sharma(syr)*

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No