



CRM-M-48393-2025

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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

237

CRM-M-48393-2025  
Decided on : 04.09.2025

GURDEEP SINGH ALIAS DEEPU

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Japjit Singh Johal, Advocate,  
for the petitioner.

Mr. Jasdeep Singh, Addl. AG, Punjab.

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SANJAY VASHISTH, J.

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Gurdeep Singh @ Deepu, aged about 37 years	32	01.03.2025	22 of NDPS Act (final report under section 193 BNSS has presented for the offence under section 22 of NDPS Act)	Dasuya	Hoshiarpur



2. Learned counsel for the petitioner submits that allegation against the petitioner pertains to recovery of 75 grams of intoxicating powder, which, as per the FSL report, was confirmed to be alprazolam.

It is contended that the quantity recovered falls within the category of "non-commercial quantity" under the relevant provisions of the NDPS Act. The said recovery is alleged to have been made from the right pocket of the pant worn by the petitioner. However, no valid notice was served upon the petitioner prior to the conducting of search, thereby rendering the recovery itself vitiated in law.

3. It is further submitted that petitioner is in judicial custody, since 01.03.2025, and till date, trial has not even commenced. In these circumstances, counsel prays for grant of regular bail to the petitioner in the present case.

4. On the other hand, learned State counsel, while opposing the prayer for bail and submissions advanced by learned counsel for the petitioner, submits that petitioner was previously involved in another case under the NDPS Act, i.e. FIR No. 209 dated 09.10.2024, registered under Sections 22 and 29 of the NDPS Act at Police Station Dasuya, District Hoshiarpur.

Although, petitioner was subsequently granted bail in the said case by this Court on 14.01.2025, he again indulged in similar unlawful activity and was arrested in the present case, wherein 75 grams of alprazolam salt was recovered from his possession.

5. Learned State counsel contends that petitioner does not deserve any leniency, merely on the ground that recovered quantity falls



under the category of non-commercial quantity, particularly in view of his repeated involvement in offences of similar nature.

6. At this stage, learned counsel for the petitioner clarifies that in the earlier case, i.e., FIR No. 209 (mentioned here above), no recovery was effected from the petitioner and he was falsely implicated solely on the basis of disclosure statement of co-accused, who had already been arrested, without any independent corroborative evidence to substantiate the allegations under Sections 22 and 29 of the NDPS Act.

7. This Court has heard the submissions advanced by learned counsel for the parties and has also perused the material available on record.

8. Taking into consideration the fact that petitioner is in custody since 01.03.2025, i.e. for a period of more than six months, and the recovery effected from his possession pertains to non-commercial quantity of contraband, this Court noticed that, except for framing of charges, trial has not yet commenced. It is further observed that there are total 10 prosecution witnesses, and therefore, conclusion of the trial is likely to take a considerable amount of time.

9. In view of the totality of the circumstances, nature of allegations levelled against the petitioner, and the factors noticed hereinabove, this Court is of the opinion that petitioner is entitled to the concession of regular bail in the present case.

10. Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief



Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

11. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

12. Any of the discussion done and recorded here above, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible, in accordance with law.

13. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

14. Petition stands disposed of.

(SANJAY VASHISTH)  
JUDGE

04.09.2025

Lavisha

Whether Speaking/Reasoned: YES/NO  
Whether Reportable: ~~YES~~/NO