



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

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**CRM-M-33435-2024
Decided on : 28.02.2025**

Gurmej Singh . . . Petitioner(s)

Versus

State of Punjab . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Kamal Narula, Advocate
for the petitioner(s).

Mr. Amandeep Singh, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

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 here-under:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Gurmej Singh	09	21.01.2024	21(c) of NDPS Act, 1985 (Section 29 of NDPS Act added later on)	City Jalalabad	Fazilka

2. As per allegations, co-accused – Gurpreet Singh @ Gora and Gurmej Singh (petitioner herein), both were found together at the time of affecting recovery of 600 grams of Heroin.

At the outset, contention of petitioner's counsel is that co-accused – Gurpreet Singh @ Gora, has already been granted concession of regular bail by this Court vide order dated 30.01.2025, passed in CRM-M-61683-2024, titled as, "Gurpreet Singh @ Gora v. State of Punjab".



In support of his contention, learned counsel has produced the copy of order dated 30.01.2025, in Court today, which is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

Therefore, claiming parity, learned counsel prays for grant of concession of regular bail to the petitioner.

3. On the other hand, learned State counsel, while vehemently opposing the submissions of the petitioner's counsel, submits that since the recovery of contraband was effected from the same motorcycle, which was being driven by the petitioner, the defense put forth by the petitioner's counsel is not worth consideration at this stage for the purpose of his plea for bail.

However, learned State counsel does not dispute the factum of the concession of bail having been granted to the similarly situated co-accused – Gurpreet Singh @ Gora, vide this Court's order dated 30.01.2025.

4. I have heard learned counsel for the parties and gone through the record with their able assistance.

5. The recovery of contraband was effected from both the accused persons, i.e., Gurpreet Singh @ Gora (co-accused) and Gurmej Singh (petitioner herein), and one of them i.e. Gurpreet Singh @ Gora, has already been granted concession of regular bail by this Court vide order dated 30.01.2025, by observing as under:-

“2. As per the allegations, recovery of 600 grams of ‘Heroin’ was effected from a bag, which was attached with the motorcycle bearing registration No.PB-61-C-4894. Said motorcycle was being driven by one Gurmej Singh @ Bittu and Gurpreet Singh @ Gora (petitioner herein) was the pillion rider.

3. Counsel for the petitioner submits that petitioner is the resident of Village Lakha Singh Wala Hithar, whereas, co-accused Gurmej Singh @ Bittu is the resident of Village Swai Ke Bhokhri. Both the villages fall in District Ferozepur, but the recovery of contraband



effected from the bag attached with the motorcycle, is not connected in any manner with the present petitioner. At this stage, it cannot be ascertained whether the petitioner was actually having conscious possession of the contraband without there being any knowledge to him.

4. *Further submits that petitioner is inside jail for the last more than one year and even till date, trial has not commenced. Besides, petitioner is a young man of the age of 24 years and there is no previous history of his involvement in the similar kind of activities. Furthermore, the trial is unlikely to conclude in the near future. Hence, counsel for the petitioner prays for the concession of regular bail.*

5. *Per contra, the learned State counsel, while vehemently opposing the submissions of the learned counsel for the petitioner, submits that since the petitioner was riding the same motorcycle from which the recovery of contraband was effected, the defense put forth by the learned counsel for the petitioner at this stage is not worth consideration for the purpose of his plea for bail.*

However, the learned State counsel does not dispute the fact that, after the framing of charges, the trial is yet to commence. Out of total 15 prosecution witnesses, none has been examined so far. Learned State counsel also accepts that the petitioner has been inside jail for more than one year and he is not involved in any other case under the NDPS Act.

6. *After hearing counsel for both the sides and the considering the submissions recorded here-in-above, and also examining the record & documents available on the case file, I do find that it is a fit case for granting concession of regular bail to the petitioner.*

7. *Consequently, the prayer made in the present petition is allowed. Petitioner is ordered to be released on bail in this case, 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.*

8. *It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.*

9. *The observation made here-in-above shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of evidence available on record.*

10. *It is further made clear that if in future petitioner is found indulged in similar kind of activities, prosecution would be at liberty to seek cancellation of bail in the present case.*

11. *Petition stands disposed of."*

6. In view thereof, I deem it appropriate to grant the concession of bail to the petitioner also. 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.



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

8. The observation made here-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

9. It is further made clear that if in future petitioner is found indulged in similar kind of activities, prosecution would be at liberty to seek cancellation of bail in the present case.

10. **Petition stands disposed of.**

**(SANJAY VASHISTH)
JUDGE**

February 28, 2025

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No