



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

236

CRM-M-28015-2025
Decided on : 23.07.2025

Gurkirpal Singh . . . Petitioner(s)

Versus

Union of India . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Paras Jagga, Advocate
for the petitioner(s).

Mr. Sourabh Goel, Advocate and
Ms. Anju Bansal, Advocate
for the respondent – NCB.

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 hereunder:-

Name of Petitioner(s)	Crime No.	Date	Section(s)	Police Station	District
Gurkirpal Singh	01	07.01.2025	8, 15, 29 of NDPS Act	NCB Chandigarh	Chandigarh

2. At the outset, learned counsel for the respondent – NCB has filed the reply dated 23.07.2025, in Court today, which is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

A copy thereof has been handed over to the counsel for the petitioner.

3. Petitioner – Gurkirpal Singh, aged about 22 years and his father – Sukhdev Singh (co-accused) were standing in front of the Bus-Stand at



Yamuna Nagar and from the four bags, i.e., one trolley bag, two duffle bags and one bag pack, total 33.090 Kg. 'poppy straw' was recovered by the respondent – NCB.

It is argued that petitioner has been falsely implicated in the case and suffering incarceration since 07.01.2025, i.e., for a period of about 06 months and 12 days. Investigation *qua* both of them is complete, however, process of recording of statements of the prosecution witnesses is yet to start. Quantity recovered is much less to the 'commercial' nature, i.e., 50 Kg., and therefore, submits that petitioner being inside jail for a period of more than 06 months, and in all likelihood, undergone period would be material at the time of sentencing the petitioner, if at all, held guilty by the trial Court.

4. Learned counsel further submits that from the custody certificate dated 22.05.2025, though petitioner is found indulged in one more case, i.e., FIR No.243/2023, lodged u/s 15/61/85 NDPS Act, P.S. Jamalpur, Ludhiana, but he has already been bailed out in the said case by the concerned Court.

Thus, he prays for grant of concession of regular bail to the petitioner.

5. *Per contra*, learned State counsel, while opposing the prayer for regular bail to the petitioner, submits that the recovery in the present case is of 33.090 Kg of poppy straw, which is of substantial quantity and just below the threshold of 'commercial quantity' under the NDPS Act. Such quantity cannot be treated lightly and the offence is grave in nature. He submits that drug trafficking is a menace and has severely impacted society, particularly the



youth, and granting bail in such serious matters may send a wrong message and hamper the efforts to curb the drug menace. Besides, petitioner is shown to be involved in one more case of similar nature.

Upon this, learned counsel for the petitioner submits that as per custody certificate, he is already on bail in that case. Thus, he submits that in none of the cases, petitioner has been convicted till date.

6. After hearing the learned counsel for the parties, perusing the relevant material on record with their able assistance, and noticing the fact that the petitioner was not previously found indulged in any case involving synthetic drugs, and the other case against him is also under Section 15 of the NDPS Act, this Court finds that the quantity recovered from the petitioner and his co-accused is of 'non-commercial' nature. Therefore, there appears to be no substantial reason to curtail the liberty of the petitioner for an indefinite period. Moreover, culmination of trial shall also take considerable time.

Accordingly, considering the totality of the circumstances, the nature of allegations levelled against the petitioner, and the factors noted here-above, this Court deems it appropriate to grant the concession of regular bail to the petitioner.

7. 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.

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

9. The observation made here-in-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.

10. 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.

11. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

July 23, 2025

J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No