



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

245

**CRM-M-39905-2025**  
**Date of decision: 31.07.2025**

Gurpreet Singh @ Garry

....Petitioner

Versus

State of Punjab

....Respondent

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

**Present:** Mr. S.P.S. Sandhu, Advocate  
and Mr. S.S. Bhullar, Advocate  
for the petitioner.

Mr. Rishabh Singla, AAG, Punjab.

**HARPREET SINGH BRAR J. (Oral)**

1. Prayer in this petition filed under Section 483 of the BNSS, 2023, is for grant of regular bail to the petitioner in FIR No.64 dated 10.05.2025 registered under Section 21(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') at Police Station Khemkaran, District Tarn Taran.

2. As per the allegations in the FIR, on 10.05.2025, the police party, in search of bad elements, was going towards Bus Stand Bhura Kohna, Village Bhura Kohna, Bhura Kareempura etc. and when they reached near bridge of drain, Khemkaran, one person was seen coming from the side of link road, Bhura Kohna. The said person on seeing the police party got perplexed and took out a polythene envelope from the left pocket of his capri and threw the same on ground. The said person was apprehended upon suspicion, who disclosed his name as Gurpreet



Singh @ Garry (petitioner herein), son of Balwant Singh @ Sukhchain Singh. From the envelope, thrown by Gurpreet Singh @ Garry, 5.89 gram Heroin was recovered. Thereafter, the impugned FIR was registered.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the FIR (supra) and 5.89 grams of heroin has been planted upon him to show successful interception of the persons involved in drug trafficking in a state-wide campaign. Further the alleged contraband which is allegedly recovered from the petitioner is marginally higher than the small quantity. The alleged recovered contraband is 5.89 grams of heroin whereas the small quantity is 5.00 grams. The entire recovery was taken into possession vide recovery memo along with the polythene bag and weighed collectively and in case, the weight of the polythene bag is deducted from the alleged contraband, the recovery would fall below the small quantity. Although the petitioner is involved in one more case, however, he is on bail in the said case.

4. Learned counsel for the petitioner further submits that there are total 09 prosecution witnesses cited in the list of witnesses, out of which, no PW has been examined till date and the trial is likely to take long time in conclusion.

5. *Per contra*, learned State counsel has filed custody certificate today in the Court which is taken on record and he opposes the prayer made by learned counsel for the petitioner on the ground that



the petitioner was arrested at the spot along with 5.89 grams of heroin and he is involved in one more case also, however, he could not controvert the fact that the petitioner is on bail in the said case.

6. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars from the last 02 months and 19 days. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. Charges were framed and trial of the case has not made much progress. Out of 09 prosecution witnesses, no PW has been examined so far.

7. A two Judge Bench of Hon'ble Supreme Court in "***Satender Kumar Antil vs. CBI***", (2022) 10 SCC 51, with respect to prevailing conditions of undertrial prisoner in India has observed:

*"6. Jails in India are flooded with undertrial prisoners. The statistics placed before us would indicate that more than 2/3rd of the inmates of the prisons constitute undertrial prisoners. Of this category of prisoners, majority may not even be required to be arrested despite registration of a cognizable offence, being charged with offences punishable for seven years or less. They are not only poor and illiterate but also would include women. Thus, there is a culture of offence being inherited by many of them. As observed by this Court, it certainly exhibits the mindset, a vestige of colonial India, on the part of the investigating agency, notwithstanding the fact arrest is a draconian measure resulting in curtailment of liberty, and thus to be used sparingly. In a democracy, there can never be an impression that it is a police State as both are conceptually opposite to each other."*

8. Further the culpability, if any, would be determined at the time of trial and as such, no useful purpose will be served by further



detention of the petitioner-accused. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India.

9. Further keeping in view the law laid down by the Hon'ble Supreme Court of India in "*Prabhakar Tewari vs. State of U.P. and another*" 2020 (1) R.C.R. (Criminal 831) and "*Maulana Mohd. Amir Rashadi vs. State of U.P. and another*", 2012 (2) SCC 382, the involvement of the petitioner in other cases would not be a ground to refuse grant of concession of regular bail.

10. In view of the above discussions, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner namely Gurpreet Singh @ Garry is ordered to be released on regular bail during pendency of the trial, on furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court/Duty Magistrate.

11. Nothing observed hereinabove shall be construed to be expression of an opinion by this Court on merits of the case. The learned Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

**(HARPREET SINGH BRAR)**  
**JUDGE**

**31.07.2025**

*yakub*

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No