



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

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**CRM-M-63842-2024  
Decided on : 24.07.2025**

Gurnam Singh alias Gamma . . . Petitioner(s)

Versus

State of Punjab . . . Respondent(s)

**CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH**

PRESENT: Mr. Salil Dev Singh Bali, Advocate and  
Ms. Simmy, Advocate  
for the petitioner(s).

Mr. Manjinder S. Bhullar, DAG, Punjab.

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**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
Gurnam Singh alias Gamma	129	08.07.2024	15(C) of NDPS Act, 1985 (S. 61/85 of NDPS Act, added later on)	Sadar Sri Muktsar Sahib	Sri Muktsar Sahib

2. The alleged recovery in the case has been effected from the *diggi* of the car bearing registration No. DL-4CAQ-7523, which was being driven by co-accused – Sukhdev Singh. Petitioner is not even connected in any manner with the car and, at the time of travelling in the car, even if admitted, cannot be expected to have knowledge about the contraband, which was lying in the *diggi* of the said car. Thus, the issue whether petitioner was having any conscious possession of the contraband, i.e., 85



kg. of the 'poppy-husk' would be adjudicated at the end of the trial by the learned Trial Court.

3. Learned counsel for the petitioner also argues that petitioner is inside jail since 08.07.2024, i.e., for a period of more than 01 year, and out of total 25 prosecution witnesses, none has been examined so far. Thus, trial is not likely to conclude in the near future. Besides, he refers to the order dated 09.07.2024, passed by learned JMIC, Sri Muktsar Sahib, whereby, case property, i.e., five gunny bags containing poppy-husk, were produced before the learned Magistrate and thereon only two samples were drawn from two gunny bags. Thus, there would be a question at the end of the trial, whether whole of the recovery, which has been effected from the *diggi* of the car, would be considered as case property being contraband value under the NDPS Act or only two gunny bags from which the samples have been drawn.

He also informs the Court that petitioner is never found involved under the NDPS Act for effecting recovery of any synthetic drug etc. However, he admits that there is one more case of similar nature, wherein, 3 kg of poppy-husk was allegedly recovered, has been registered against the petitioner. However, in that case, he is already on bail, pending trial. Thus, he prays for concession of regular bail for the petitioner.

4. On the other hand, learned State counsel has filed status report 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.



5. While vehemently opposing the prayer for bail, learned State counsel submits that petitioner being involved in another case, is not entitled for any concession of regular bail. Moreover, quantity recovered in the present case is of 'commercial' in nature. However, he does not deny the factual position and the status of trial, for which, he has no plausible reason to explain the delay, as none of the prosecution has been examined out of the total cited 25 prosecution witnesses, till date.

6. Heard.

7. Taking note of the submissions and the circumstances, as noticed here-above, I deem it appropriate to consider the petitioner's plea for grant of bail, because liberty of the petitioner cannot be curtailed for indefinite period, as the trial is at halt, despite presentation of challan on 03.01.2025.

8. 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.

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

10. 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.



11. 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.

12. Petition stands disposed of.

(SANJAY VASHISTH)  
JUDGE

**July 24, 2025**

*J.Ram*

*Whether speaking/reasoned:*     Yes/ No

*Whether Reportable:*             Yes/ No