



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

CRM-M-17167-2024 (O&M)

Reserved on 28.04.2025

Pronounced on 27.05.2025

GURJANT SINGH @ JANTA

...Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Argued by : Mr. Vipul Jindal, Advocate for the petitioner.

Mr. Rajinder Singh Bhatta, DAG Punjab.

SANJIV BERRY, J. (ORAL)

CRM-12721-2025

For the reasons stated in the application, same is allowed.

Annexure P-9 is taken on record subject to all just exceptions.

CRM-M-17167-2024

The instant petition has been preferred by the petitioner under Section 439 CrPC for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
80	22.10.2023	21 (C) and 29 NDPS Act	Sarai Amanat Khan, District Tarn Taran

2. It is, *inter alia*, contended by learned counsel for the petitioner



that the petitioner is innocent and has been falsely implicated in this case. He contends that no contraband was effected from the possession of the petitioner and only allegation against the petitioner is of possessing ₹10,000/- being the alleged drug money. He contends that there is no other criminal case under the NDPS Act registered against the petitioner nor is there any evidence to show that the said money could be termed as drug money by the police. He submits that the petitioner is in custody since 22.10.2023 and after the completion of investigation, challan has been presented in Court and the conclusion of trial will take sufficient long time. Thus, prays for grant of concession of bail to the petitioner.

3. *Per contra*, learned State counsel while referring to the reply filed by the State has opposed the petition on the ground that the petitioner along with co-accused were indulging in sale of narcotics and even on the fateful day, the petitioner along with co-accused were found in possession of commercial quantity of narcotics. He submits that the petitioner does not deserve the concession of bail and prays for dismissal of the petition.

4. Heard learned counsel for the parties and perused the record.

5. After considering the rival contentions and perusing the record, it transpires that on 22.10.2023, the police party, while being on patrolling apprehended two persons riding a motorcycle bearing No.PB02-DG-7911, the person riding the motorcycle disclosed his names as Gurjant Singh @ Janta (petitioner herein), while the person sitting on the pillion disclosed his name as Satnam Singh @ Satta. Their personal search was conducted in accordance with law. From the personal search of the petitioner, recovery of



₹10,000/- was effected while 400 grams of heroin was effected from the pocket of the lower worn by co-accused Satnam Singh. Accordingly, the accused were arrested and after the completion of investigation, challan was presented in Court. Learned counsel for the petitioner has placed on record the copy of the challan filed by the police in the trial Court. The factum of recovery is also mentioned in the reply filed by the State, wherein it is categorically mentioned that from the right side of the waist of the petitioner, ₹10,000/- were recovered as drug money and it is specifically mentioned therein that from the pillion rider i.e. co-accused Satnam Singh 400 grams of heroin was effected from the pocket of the lower worn by him. The petitioner is not having any case registered against him under the NDPS Act. Whether the amount of ₹10,000/- recovered from the petitioner is drug money is debatable. It is also debatable that when the recovery of contraband is from the pocket of the lower worn by co-accused, then how any conscious possession can be attributable to the petitioner. The petitioner is in custody since 22.10.2023 and the criminal liability, if any, of the petitioner, could only be determined after the conclusion of trial, which may take sufficient long time. In the circumstances, no purpose would be served by detaining the petitioner any longer.

6. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and



every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. It is further made clear that in case the petitioner is again found involved in any case under NDPS Act, in future, after his release on bail, it will be open for the prosecution to move an application for cancellation of his bail in accordance with law.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

9. Pending miscellaneous application(s), if any, stands disposed of.

(SANJIV BERRY)
JUDGE

27.05.2025

S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No