

2025:PHHC:133370



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

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CRM-M-48612-2025 (O&M)

Date of decision: 24.09.2025

Gurdev Singh

...Petitioner

Versus

State of Haryana

...Respondent

**CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY**

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Present : Mr. Rajat Khanna, Advocate for the petitioner.

Mr. Rajiv Sidhu, Sr. DAG, Haryana.

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**AMAN CHAUDHARY, J. (Oral)**

1. Prayer in the present petition filed under Section 483 BNSS is for grant of regular bail to the petitioner in case FIR No.895 dated 30.12.2023, registered under Sections 18, 61-85 of NDPS Act at Police Station Thanesar Sadar, District Kurukshetra.

2. Learned counsel contends that the petitioner, aged 66 years, has been in custody for last 1 year and about 9 months and alleged recovery to be effected from him is marginally above the non-commercial quantity of contraband, it being 2.7 Kgs. of Opium. No independent witness has been joined at the time of recovery. The trial is not proceeded for which reference is made to order dated 09.05.2025 wherein they were summoned throughailable warrants for 23.09.2025 and he, on instructions, states that none had appeared on this date as well which is a change of circumstance to entertain this petition after he had withdrawn the previous. Charges though have been framed on 01.08.2024 and

only 4, out of 14 prosecution witnesses have been examined. He is the sole bread winner of the family. He is not involved in any other case.

3. The custody certificate dated 23.09.2025, filed by the learned State counsel is taken on record. As per the same, the petitioner is behind bars for 1 year, 8 months and 16 days.

4. Learned State counsel opposes the bail on the ground that the commercial quantity of contraband was recovered from the petitioner, who was apprehended at the spot. However, he is unable to controvert the submissions with regard to stage of the case and the petitioner being not involved in any other case.

5. Heard.

6. This Court in **Gurpreet Singh vs. State of Punjab** in CRM-M-45214-2021, on 23.03.2022, where recovery of 255 grams of heroin, custody was a little over 1 year and there being no criminal antecedents, granted the concession of bail and in **Karandeep Singh @ Sunny vs. State of Punjab**, CRM-M-9712-2021, on 06.09.2021, a case of recovery of 270 and 150 grams of heroin from two accused, being marginally higher than non-commercial quantity after about 11 months. Similarly in **Simrapal Singh vs. UOI**, CRM-M-10276-2021, on 17.09.2021, the custody being of about 1 year and the recovery 1.5 grams of charas, marginally above non-commercial quantity, against which the SLP filed by UOI was dismissed on 23.01.2023, in **Basanti Mondal and Ors. vs. State of West Bengal**, SLP (Crl.) No.12586/2022 on 29.03.2023, to the lady after 1 year of custody, recovery being of 6548 bottles, each contained 100 ml of phensedyl cough linctus codeine and in **Munasi Masih vs. State of Punjab**, CRM-M-31504-2022, on 06.2.2023, wherein commercial quantity of contraband had been recovered but only 2 out of 13 PWs had been examined.

7. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for last 1 year, 8 months and 16 days; not involved in any other case; charges were framed on 01.08.2024 out of 14 prosecution witnesses, only 4 have been examined so far, the trial is likely to take a considerable time, further incarceration of the petitioner would be violative of his right enshrined under Article 21 of the Constitution of India and the rigors of Section 37 of the NDPS Act can be diluted bearing in mind the right to a speedy trial, the present petition is allowed.

8. The petitioner is ordered to be released on regular bail, subject to furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned, if not required in any other case and shall abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
- (v) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- (vi) The petitioner shall not in any manner misuse his liberty.
- (vii) The petitioner shall furnish his address and mobile number by way of an affidavit to the trial Court and not change the same till conclusion of trial and if for any reasons, he seeks to change either of the aforesaid, it shall be done only with prior information to the learned trial Court.
- (viii) The petitioner shall not leave the country without prior permission of the trial Court.

- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

9. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

10. In view of the above, it is clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

**(AMAN CHAUDHARY)**  
**JUDGE**

**24.09.2025**

**ashok**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No