



CRM-M-44666-2025 (O&M)

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

S.No.206

CRM-M-44666-2025 (O&M)

Date of Decision : 22.8.2025

Gurjant Singh

... Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present: Mr. Gulshan K. Moudgil, Advocate,
for the petitioner.

Mr. Rahul Jindal, AAG, Punjab.

YASHVIR SINGH RATHOR, J. (Oral)

Prayer in the present petition is for grant of regular bail to the petitioner in case having FIR No.134 dated 23.6.2025 registered under Sections 21, 27(a) and 29 of NDPS Act at Police Station Jandiala, District Amritsar.

2. Upon notice, the State counsel has appeared and has opposed the bail. Both the parties have been heard and material placed on the file has been perused.

3. Brief facts of the prosecution case are that on 23.6.2025 at about 8/9 a.m. in the area of PS Jandiala Guru, District Amritsar Rural, one Akashdeep Singh was arrested by the police and he was found in possession of 5 grams of Heroin and a sum of ₹ 850/- stated to be drug money which



CRM-M-44666-2025 (O&M)

was allegedly earned by sale of Heroin. On interrogation, accused Akashdeep suffered disclosure statement that he had purchased the Heroin from Vishal Singh and Gurjant Singh (petitioner). Thereafter, he suffered another disclosure statement on 24.6.2025 that he had purchased Heroin from Harpreet Singh alias Happy and Akashdeep Singh on earlier occasions also. Petitioner-Gurjant Singh was arrested on 11.7.2025. The petitioner applied for bail before learned trial Court which has been dismissed vide order dated 5.8.2025 (Annexure P-2).

4. Learned counsel for the petitioner contended that the petitioner has been falsely implicated. No contraband has been recovered from his possession. The disclosure statement of co-accused Akashdeep Singh that he had purchased 5 grams of Heroin from the petitioner is not admissible in evidence and cannot be used against him. Even recovery from the main accused namely Akashdeep Singh was small quantity which is bailable. There is no direct evidence connecting the accused with the alleged offence. No offence under Section 27-A of the NDPS Act is attracted as there is no allegation that the petitioner was financing the illicit trafficking in the contraband and harbouring offenders and in these circumstances, rigors of Section 37 of the NDPS Act are not attracted. Since no recovery has been effected from the petitioner and the small quantity of Heroin was recovered from main accused-Akashdeep Singh, the petitioner is entitled to be released on bail. In support of his contentions, learned counsel has cited **2022 (4) RCR (Criminal) 299, State of West Bengal v. Rakesh Singh @ Rakesh Kumar Singh** and judgment dated 18.7.2025 passed by Coordinate



CRM-M-44666-2025 (O&M)

Bench of this Court in CRM-M-34380-2025 titled **Shamsher Singh @ Shera v. State of Punjab** in which it has been held that where the quantity involved is not commercial, rigors of Section 37 of NDPS Act do not apply. Learned counsel, thus, prayed that the petitioner be released on regular bail.

5. On the other hand, learned State counsel has opposed the bail and argued that the petitioner does not deserve to be released on bail in view of gravity of the offence.

6. In the present case, 5 grams of Heroin besides a sum of ₹ 850/- has been recovered from main accused namely Akashdeep Singh. The contraband recovered falls within small quantity which is bailable. As to whether amount of ₹ 850/- recovered from co-accused was drug money or not is a question of fact which can be decided only after the prosecution leads its evidence. No recovery of any contraband was effected from the petitioner and since the contraband recovered from co-accused is small in nature, provisions of Section 37 of NDPS Act pertaining to grant of bail are also not attracted. Even otherwise, the applicability of Section 27-A of the NDPS Act is seriously questionable as this provision has been invoked merely on the basis of the disclosure statement of the petitioner himself and the amount recovered is petty which can be found in the possession of a common man. Moreover, the petitioner is in custody since 23.6.2025. Trial is likely to take sufficiently long time to conclude and further detention of the petitioner is, thus, not required and he deserves to be released on bail.

7. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be



CRM-M-44666-2025 (O&M)

released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Area Magistrate/Duty Magistrate concerned.

(YASHVIR SINGH RATHOR)
JUDGE

August 22, 2025
Paritosh Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No