



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

221

CRM-M-60087-2024

Date of decision: 25.08.2025

Guljinder Singh alias Gurjinder Singh alias GundiPetitioner

Versus

State of PunjabRespondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Gursewak Singh, Advocate and
Mr. Shubham Mirok, Advocate
for the petitioner.

Mr. Kunwarbir Singh, AAG, Punjab
assisted by ASI Sukhraj Singh.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.0164 dated 26.07.2023 under Sections 22(c)/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Lambi, District Sri Muktsar Sahib.

2. Learned counsel for the petitioner submits that the petitioner has been in custody since 26.07.2023 after he was allegedly nabbed on suspicion leading to the recovery of 40 tablets of Etizolam weighing 04 grams. It has been asserted by the learned counsel that the petitioner has never ever been involved in any case under the NDPS Act which lends credence to his false implication in the present case; even otherwise, as per the case of the prosecution the alleged recovery was not made from the conscious possession of the petitioner but while



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he was pillion riding behind the co-accused, motorcycle slipped and a pouch containing 40 tablets of Etizolam fell on the road. It has been further submitted that after the challan was presented on 09.11.2023 charges were framed on 28.11.2023, however, till date prosecution evidence has not been concluded with only 04 prosecution witnesses have been examined till date and another 04 having been given up out of the 18 cited by the prosecution. Learned counsel submits that in the circumstances, the petitioner deserves to be enlarged on bail as the trial has been delayed for reasons not attributable to him. Learned counsel has placed reliance upon *Dheeraj Kumar Shukla Vs. State of Uttar Pradesh [SLP(Crl.) No.6690/2022]* and *Rabi Prakash Vs. The State of Odisha : 2023 LiveLaw (SC) 533* wherein in identical circumstances, Hon'ble the Supreme Court had extended the concession of bail to the accused therein on account of the long custody period of the accused as well as the delay in the trial not attributable to the accused.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions, has not disputed that the petitioner has been in custody since 26.07.2023 nor has he disputed that 10 prosecution witnesses still remain to be examined. Learned State counsel, on further instructions, has also not disputed that the petitioner is not facing trial in any other case under the NDPS Act except for the present one.

4. On a pointed query, it has been further conceded by the learned State counsel on instructions that no secret information had been received qua the involvement of the petitioner in drug trafficking



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and it was only on suspicion that he was apprehended by the police party.

5. I have heard learned counsel for the parties and perused the material placed on record.

6. The possibility of the trial concluding in the near future does not arise as the next date fixed before the learned Trial Court is 28.08.2025 when some of the remaining 10 witnesses are likely to be examined. The petitioner is not shown to be involved in any other criminal case under the NDPS Act. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

7. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

8. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

25.08.2025

Vinay

(MANJARI NEHRU KAUL)

JUDGE

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