



CRM-M-17396-2025

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-17396-2025
Decided on : 14.07.2025

GURPREET SINGH ALIAS GORI

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Kuldip Singh, Advocate, for the petitioner.

Mr. Manjinder Singh Bhullar, DAG, Punjab.

SANJAY VASHISTH, J.

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 hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Gurpreet Singh @ Gori, aged about 22 years	79	28.08.2024	21(c) of NDPS Act and Section 25 of Arms Act (Section 341(2) of BNS added later on)	Sadar Jalalabad	Fazilka

2. As per the facts of the present case, vehicle bearing registration No. RJ-13-CE-6778, a white Aura car, was being driven by



the co-accused of the petitioner, namely Sukhwinder Singh @ Sunny, and was owned by one Satnam Singh.

3. Learned State counsel has filed a status report dated 13.07.2025 and custody certificate in Court today, which are been taken on record. Registry is directed to tag the same at the appropriate place on the file.

4. It is submitted by learned State counsel that Sukhwinder Singh @ Sunny, driver of the vehicle, managed to flee upon noticing the police party. However, petitioner was apprehended while attempting to escape by opening the door of the car. Upon his search, a mobile phone and a sum of Rs.500/- were recovered from the clothes worn by him. Additionally, 530 grams of heroin was recovered from a polythene bag lying near the gear lever of the vehicle. Learned State counsel further clarifies that, though the FIR mentions the term "gear box," the correct reference is to the "gear lever," and the discrepancy was inadvertent.

5. Referring to the circumstances relied upon by the prosecution, learned counsel for the petitioner contends that had the petitioner been aware of the presence of contraband in the vehicle, he would have fled from the scene before or along with the driver, rather than remaining at the spot. The fact that petitioner was arrested from the location itself, while the co-accused Sukhwinder Singh @ Sunny managed to escape, supports the contention that petitioner had no knowledge of the contraband and was, therefore, innocent. It is submitted that burden lies heavily on the prosecution to establish the petitioner's conscious possession of the recovered substance.



It is further submitted that petitioner is in custody since 02.09.2024, i.e. for a period of more than ten months, and despite lapse of such a considerable period, none of the 23 prosecution witnesses has been examined, so far. Even the main accused, Sukhwinder Singh @ Sunny, has not yet been arrested in connection with the present case, although he is currently lodged in jail in another matter. In due course, production warrants are expected to be issued to secure his arrest in the present proceedings.

6. This Court has heard the submissions addressed by learned counsel for the parties and also gone through the record available before it, and finds that taking into account the fact that, till date, none of the prosecution witnesses has been examined, and even the main accused, Sukhwinder Singh @ Sunny, who, as per the prosecution's case, managed to flee from the spot despite presence of several police officials, has not yet been apprehended in the present case, this Court finds merit in considering the petitioner's plea for regular bail. Notably, it appears that only the petitioner has been proceeded against so far, raising questions about the selective implication.

Furthermore, it is informed that charges are yet to be framed in the present case, and petitioner has not been found involved in any other similar incident. The aspect of conscious possession, which is crucial in such cases, is yet to be established by the prosecution. In view of these considerations, this Court deems it appropriate to entertain the petitioner's plea for regular bail, at this stage.



7. 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.
8. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.
9. Any of the discussion done and recorded here above, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible, in accordance with law.
10. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

14.07.2025
Lavisha

Whether Speaking/Reasoned: YES/NO
Whether Reportable: ~~YES~~/NO