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**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND  
HARYANA AT CHANDIGARH**

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**CRM-M-8967-2025 (O&M)  
Date of decision: 07.07.2025**

**Gaganpreet Singh****...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. N. S. Sodhi, Advocate  
for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab.

**MANISHA BATRA, J. (Oral)**

1. Prayer in this petition, filed under Section 439 of Cr.P.C., is for grant of regular bail to the petitioner in FIR No. 27 dated 02.04.2024, registered under Sections 21 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) and Section 25 of the Arms Act, 1959 at Police Station Mamdot, District Ferozepur.
2. Brief facts of the case relevant for the disposal of the present petition are that on 02.04.2024, on the basis of a secret information, the petitioner was apprehended by a police party and recovery of 550 grams of heroin and one pistol of .32 bore along with magazine was effected from him. Upon interrogation, he disclosed that he along with his cousin brother Balwinder Singh @ Kulwinder Singh was indulged in cross border smuggling of heroin and weapons through drone. Thereafter, on 07.04.2024, at his demarcation, another recovery of 500 grams of heroin was effected from a cremation ground. The persons named by the petitioner were also nominated in this case as accused. After completion of necessary investigation and usual formalities,

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*challan* was presented before the Court and presently, the petitioner along with the co-accused is facing trial for commission of aforementioned offence. He had moved an application before the trial Court for grant of regular bail but the same had been dismissed, vide order dated 21.10.2024.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. Provisions of Section 42 of the NDPS Act were not complied with properly. No independent witness was joined. Even otherwise, investigation has since been completed and *challan* has been presented. Conclusion of trial is likely to take time. The petitioner is in custody since 02.04.2024. No useful purpose would be served by keeping him in custody anymore. Co-accused Navdeep Singh @ Deep and Balwinder Kaur have been granted concession of anticipatory bail by this Court and co-accused Balwinder Singh @ Kulwinder Singh has been granted concession of interim anticipatory bail by this Court. On the grounds of parity, the petitioner also deserves the benefit of bail. It is, therefore, urged that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State. It is submitted therein and learned Assistant Advocate General, Punjab has argued that the petitioner is not entitled to get benefit of bail as there are serious allegations against him. He along with co-accused was indulged in cross border smuggling of heroin and weapons. Recovery of total 01 kg. 50 grams of heroin has been effected from him, quantity of which is commercial. Hence, the rigors of Section 37 of the NDPS Act would be attracted against him. Trial is going at a proper pace. It is also argued that if the petitioner is released on bail, he may abscond or indulge in the similar offences. It is, thus, argued that the petition is liable to be dismissed.

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

6. The quantity of the contraband recovered from the petitioner falls under commercial quantity. A pistol of .32 bore was also recovered from him. The allegations of being indulged in cross border smuggling along with co-accused through drone are quite serious. Since the quantity of the contraband falls under commercial quantity, the rigors of Section 37 of the NDPS Act would certainly be attracted against the petitioner. The trial is going on and there is nothing on record to show that there would be any undue delay in conclusion of trial. The apprehension expressed by learned State counsel that the petitioner, if extended benefit of bail, may abscond or indulge in similar offences can also not be stated to be unfounded. The case of the petitioner cannot be stated to be at par with the co-accused, who have been granted concession of bail. Keeping in view the discussion as made above, the quantity of recovered contraband, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, I am of the considered opinion that the petitioner does not deserve to be granted benefit of regular bail, at this stage. Hence, the petition is dismissed.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

**07.07.2025**

*Wassem Ansari*

**(MANISHA BATRA)  
JUDGE**

*Whether speaking/reasoned*

*Whether reportable*

*Yes/No*

*Yes/No*