



S. No.110

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

CRR No.2047 of 2025

Date of Decision:08.09.2025

Gursharandeep Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present:- Mr. A.S. Shergill, Advocate for the petitioner.

Mr. Gorav Kathuria, DAG, Punjab.

Yashvir Singh Rathor, J. (Oral)

1. This revision petition is directed against the order dated 29.07.2025 vide which the application moved by the revisionist – accused for grant of default bail under Section 187(3) of the BNSS (Section 167(2) of the erstwhile Cr.P.C) in case FIR No.17 dated 29.03.2025 registered under Sections 25 of Arms Act and 61(2), 111 of BNS, 2023 and 21/61/85 of the NDPS Act at Police Station State Special Operation Cell, Amritsar.
2. Upon notice, Mr. Gorav Kathuria, DAG, Punjab, accepts notice on behalf of the respondent- State.
3. The brief facts of the prosecution case are that on 29.03.2025, a police party comprising SI Jagdeep Singh and other police officials, was present at Gumtala Bypass, Amritsar when a secret information was received that Gurjant



Singh son of Nishan Singh, Abhishek son of Roshan Masih and Gursharandeep Singh son of Kuldeep Singh are in possession of illegal arms and ammunition for committing some criminal acts and today, they will be coming to Village Uggar Aulakh situated on Amritsar-Ajnala Road to commit some crime. In case, area is surrounded and raid is conducted, they can be apprehended with heavy quantity of arms and ammunition. The secret information was found to be reliable and senior officials were informed and based on the secret information, ruqa was sent and the formal FIR under Section 25 of Arms Act and Sections 61(2), 111 of BNS, 2023 was registered. The prosecution case further is that thereafter, all the three afore-said persons were apprehended from the disclosed place and 03 pistols 32 bore with magazines, 09 live rounds of 32 bore, 02 pistols 30 bore along with magazine and 01 pistol 9 mm (glock) with magazine were recovered.

4. Accused were produced before the Magistrate and their police remand was obtained and during police remand, one of the accused namely Abhishek suffered disclosure statement to the effect that he deals in sale of heroin and in March, 2025, he came in contact with a Pakistani smuggler and two weeks ago, one unknown person had handed over one bag of heroin weighing 1 Kg. to him and he has kept concealed the same near a drain under a kikkar tree. Some of the heroin has been sold by him after drying it and remaining heroin is still concealed at the afore-said place and he can get the same recovered. Thereafter, said Abhishek in pursuance of his disclosure statement, got recovered 854 grams of heroin, which falls within the commercial quantity and offence under Section 21 of the NDPS Act was added.



5. Petitioner – Gursharandeep Singh applied for default bail under Section 187(3) of BNSS on the ground that he is in custody since 29.03.2025 and period of 120 days has already passed but challan/ final report has not been presented and he is entitled to be released on default bail on account of failure of police to present the challan within 90 days.

6. The trial Court formulated a question whether the investigation was required to be completed within a period of 90 days or it can be completed in 180 days as provided under the NDPS Act and came to the conclusion that since 854 grams of heroin has been recovered from accused Abhishek which falls within the commercial quantity, the investigation could continue for 180 days and whether petitioner Gursharandeep Singh is involved in the present case or not, can be deduced only after the investigation is completed and the prayer to release him on bail was rejected.

7. I have heard learned counsel for the parties and the material placed on the file has been perused.

8. However, after going through the file, I am of the considered opinion that the impugned order is liable to be set aside for the reasons discussed hereinafter.

9. In the present case, the FIR was initially registered under Sections 25 of Arms Act, 61(2) and 111 of BNS, 2023 against all the three accused after 03 pistols 32 bore, 09 live cartridges 32 bore, 02 pistols with magazines and one pistol 09mm (glock) along with magazine were recovered from their possession. After the accused were remanded in police custody, one of the accused, namely



Abhishek suffered a disclosure statement that he deals in narcotic as well and he has kept concealed some hereoin near a drain under a tree and he can get the same recovered. In pursuance thereof, he got recovered 854 grams of heroin. However, once co-accused Abhishek got recovered heroin, it became imperative for the police to take appropriate procedural steps, recognizing the distinct nature of the newly discovered offense. The police, in effect, had two principal options that it should have exercised i.e. either to register a separate FIR under the NDPS Act for the recovery of the commercial quantity of heroin from co-accused Abhishek, or, while maintaining the initial FIR, to ensure that a separate challan was filed against accused Abhishek specifically for the offence under Section 21 of NDPS Act. This would have allowed the investigation pertaining to Abhishek for the NDPS offence to continue for a period of 180 days, as provided under that specific Act. Crucially, the recovery of heroin could not be simply clubbed with the present case, which was registered under Section 25 of Arms Act and 61(2) and 111 of BNS, 2023, without creating a procedural anomaly. Thus, so far as investigation pertaining to the original FIR and the offences under Section 25 of the Arms Act, 61(2) and 111 of BNS, 2023 is concerned, the police was unequivocally required to complete the investigation within a period of 90 days and submit the challan against the petitioner. This distinction was vital. Even in his disclosure statement, accused Abhishek has nowhere stated that the remaining two accused, namely, Gurjant Singh and Gursharandeep Singh were also involved in the trade of narcotics along with him. No disclosure statement in this regard too has been suffered by petitioner – Gursharandeep Singh admitting his involvement



in sale of narcotics or its possession thereof. The learned trial Court thus gravely erred in coming to the conclusion that the investigation can continue for a period of 180 days for the offence under the NDPS Act despite the fact that it was the police which was at fault in not registering a separate FIR under Section 21 of the NDPS Act and completing the investigation for the offence under Section 25 of Arms Act, 61(2) & 111 of BNS, 2023 within the stipulated period of 90 days.

10. Accordingly, the impugned order dated 29.07.2025 is set aside and the petitioner is ordered to be released on default bail under Section 187(3) BNSS/167(2) Cr.P.C subject to furnishing requisite bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate concerned.

(Yashvir Singh Rathor)
Judge

September 08, 2025

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Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No