



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

CRM-M-3515-2025 (O&M)

Date of decision: 02.07.2025

Gurvinder Singh @ Sona

... Petitioner

Versus

State of Punjab

... Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Kirat Pal Dhaliwal, Advocate,
for the petitioner.

Mr. Manjinder S. Bhullar, DAG, Punjab.

SANJAY VASHISTH, J. (ORAL)

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
Gurvinder Singh @ Sona	74	30.07.2021	21(C) of NDPS Act and Section 25 of Arms Act	Sarai Amant Khan	Taran Tarn

2. Learned counsel for the petitioner contends that allegations against petitioner Gurvinder Singh @ Sona is under Section 21(C) of NDPS Act, 1985 and Sections 25 of the Arms Act, 1959, as he was apprehended with 292 Grams of Heroin along with polythene and one country made pistol of .315 bore. Out of total 14 prosecution witnesses, till date only 9 witnesses



have been examined, whereas the petitioner has already suffered incarceration for a period of 3 years and 11 months.

Additionally, it is submitted that the petitioner is not facing any proceedings in any other case of any nature. Since the trial is not likely to culminate soon and the charges are yet to be established beyond suspicion, the liberty of the petitioner cannot be curtailed for an indefinite period. Accordingly, a prayer is made for the grant of the concession of bail.

3. While opposing the prayer for bail, Mr. Manjinder S. Bhullar, learned Deputy Advocate General, Punjab, submits that the recovery of 292 grams heroin from the possession of the petitioner falls under the category of commercial nature, and such offences are on the rise in the State of Punjab. Being it involves a commercial quantity, no sympathetic view can be taken in favour of the petitioner, who is alleged to be involved in a crime against Society.

4. Learned Deputy Advocate General, Punjab, also points out that earlier on 01.08.2023, a coordinate Bench of this Court had dismissed the plea for bail, considering the quantity recovered to be of a commercial nature. He further submits that the prosecution has already examined as many as 6 witnesses. In this regard, learned State counsel refers to the order appended with the petition as Annexure P-4. Thus, he prays for the dismissal of the present petition.

5. I have considered the submissions made by learned counsel for the parties and perused the material available on record.

6. Undoubtedly, the quantity recovered is 42 grams above the maximum limit of non-commercial quantity, but factum of slow progress in



trial cannot be left unnoticed. From the order dated 01.08.2023, passed by this Court in CRM-M-18449-2022, it can be gathered that charges were framed on 17.07.2023, and till the time of considering the petitioner's first plea for grant of bail, i.e. on 01.08.2023, 6 prosecution witnesses had already been examined. Since then, a period of around 1 year 10 months has elapsed, but as per the information supplied by learned Deputy Advocate General, the statement of only 9 prosecution witnesses have been recorded out of total 14 witnesses. Meaning thereby, during this intervening period (01.08.2023 to 02.07.2025), only 3 additional prosecution witnesses have been examined.

7. To the view point of this Court, such a slow pace of trial cannot be ignored at the cost of the liberty of a person, against whom the charges are yet to be established. Another noticeable fact is that the petitioner has not been found involved in any other case as per the custody certificate dated 01.07.2025, produced by learned Deputy Advocate General, Punjab, during the course of hearing, which is also taken on record.

8. In view of all the aforementioned circumstances, and the facts recorded hereinabove, I deem it appropriate to grant the concession of bail to the petitioner.

9. 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.



10. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

11. The observation made hereinabove shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

12. Petition stands disposed of.

**(Sanjay Vashisth)
Judge**

02.07.2025

Rajan

Whether speaking / reasoned:	Yes
Whether Reportable:	Yes