



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

240

CRM-M-49678-2025

Date of Decision: 11.09.2025

**Gurpreet Singh @ Goggi****...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ****Present:** Ms. Taranjit Kaur Hundal, Advocate  
for the petitioner.

Mr. Raj Karan Singh, A.A.G., Punjab.

**RAJESH BHARDWAJ, J. (ORAL)**

1. Present petition has been filed for grant of regular bail in case FIR No.114 dated 20.08.2024 under Sections 21A/22B of the Narcotic Drugs and Psychotropic Substances Act, 1985 (charges framed under Section 21A/22C/29 of the NDPS Act) registered at Police Station Shahkot, District Jalandhar Rural (Annexure P-1).

2. Succinctly, facts of the case are that on 20.08.2024, the police party while on patrolling saw one e-rickshaw coming. On seeing the police, driver of said e-rickshaw got perplexed and tried to turn back the e-rickshaw. The police stopped the e-rickshaw. On asking, driver of e-rickshaw disclosed his name as Gurpreet Singh @ Goggi (present petitioner). The person sitting behind along with a lady disclosed his name as Tarsem Singh @ Sema and the said lady disclosed her name as Surjit Kaur @ Charanjit Kaur @ Charno. They were suspected to be carrying some contraband in e-rickshaw and they were given offer to be searched. On conducting the search of e-rickshaw a polythene



bag was recovered beneath the driver seat. On searching the same, 105 loose intoxicant tablets and 03 grams of heroin were recovered. They failed to produce any licence regarding possession of the same and thus, they were arrested on spot. Samples taken were then sent to the FSL. On registration of the FIR, the investigation commenced. On receiving the report from the FSL, the intoxicant tablets recovered were found to be containing 10.605 grams Etizolam. The challan was presented and on framing of charges, the trial commenced. The petitioner approached the Court of learned Judge, Special Court, Jalandhar praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 08.10.2024. Hence, the petitioner is before this Court praying for grant of bail by way of filing the present petition.

3. Learned counsel for the petitioner, at the outset, prays for the grant of bail on the basis of parity with that of the co-accused. She has drawn the attention of this Court to the common order passed by this Court in **CRM-M-35057-2025** and **CRM-M-14965-2025** dated 12.08.2025 whereby co-accused of the petitioner, namely, Surjit Kaur @ Charanjit Kaur @ Charno and Tarsem Singh @ Sema, have been granted the concession of bail. She has submitted that case of the petitioner is at par with the co-accused, who have been granted bail by this Court. She submits that on the basis of the parity, petitioner deserves to be granted bail as case of the petitioner is similar to that of the co-accused, who have already been granted bail.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. He has submitted that the recovery of 105 loose intoxicant tablets (containing 10.605 grams Etizolam) and 03 grams of heroin which was effected, falls under the commercial quantity and hence,



provisions of Section 37 of the NDPS Act are attracted. He endorsed the fact that the case of petitioner is at par with co-accused, namely, Surjit Kaur @ Charanjit Kaur @ Charno and Tarsem Singh @ Sema, who have already been granted bail by this Court. He has placed on record custody certificate of the petitioner today in the Court and the same is taken on record.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner is behind bars since the date of his arrest. The custody certificates would reflect that the petitioners have suffered incarceration of 01 year and 21 days as on 10.09.2025. It further reflects that the petitioner is involved in one more case. Admittedly, co-accused of the petitioner, namely, Surjit Kaur @ Charanjit Kaur @ Charno and Tarsem Singh @ Sema, have already been granted bail by the Court vide common order dated 12.08.2025 passed in **CRM-M-35057-2025** and **CRM-M-14965-2025**.

6. As held by the Hon'ble Supreme Court in ***Mohd Muslim @ Hussain Vs. State (NCT of Delhi), 2023 LiveLaw(SC)260***, this Court is of the opinion that the case of the petitioner is covered by the ratio of law laid down by the Hon'ble Supreme Court. In the abovesaid case, Hon'ble Supreme Court expressed its views as under:-

*19. A plain and literal interpretation of the conditions under Section 37 (i.e., that Court should be satisfied that the accused is not guilty and would not commit any offence) would effectively exclude grant of bail altogether, resulting in punitive detention and unsanctioned preventive detention as well. Therefore, the only manner in which such special conditions as enacted under Section 37 can be considered within constitutional parameters is where the court is reasonably satisfied on a prima facie look at the material on record (whenever the bail application is made) that the accused is not*



*guilty. Any other interpretation, would result in complete denial of the bail to a person accused of offences such as those enacted under Section 37 of the NDPS Act.*

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*21 .....it would be important to reflect that laws which impose stringent conditions for grant of bail, may be necessary in public interest; yet, if trials are not concluded in time, the injustice wrecked on the individual is immeasurable.*

22 xxxxx

*23. There is a further danger of the prisoner turning to crime, “as crime not only turns admirable, but the more professional the crime, more honour is paid to the criminal”<sup>22</sup> (also see Donald Clemmer’s ‘The Prison Community’ published in 1940<sup>23</sup>). Incarceration has further deleterious effects—where the accused belongs to the weakest economic strata: immediate loss of livelihood, and in several cases, scattering of families as well as loss of family bonds and alienation from society. The courts therefore, have to be sensitive to these aspects (because in the event of an acquittal, the loss to the accused is irreparable), and ensure that trials—especially in cases, where special laws enact stringent provisions, are taken up and concluded speedily.’*

7. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Thus, keeping in view the arguments raised by both the sides, this Court is of the opinion that learned counsel for the petitioner succeed in making out a case for grant of regular bail to the petitioner.

8. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.



9. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

10. In case the bail bonds are not furnished by the petitioner during the period of 07 days from today, then his further custody period after one week will not be counted in the present case.

**11.09.2025**  
*ps-I*

**(RAJESH BHARDWAJ)**  
**JUDGE**

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