



CRM-M-46886-2025

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**226 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-46886-2025**

Date of Decision: 01.09.2025

Gurprit Singh Dhaliwal @ Gori

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Ms. Ramandeep Kaur Brar, Advocate, for the petitioner.

Ms. Simran Gorla, AAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Petitioner has approached by way of filing the present petition praying for grant of regular bail in case FIR No.121 dated 11.07.2025 under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 21 of NDPS, 1985 deleted and Section 22 of NDPS Act added lateron), registered at Police Station Badhni Kalan, District Moga.

2. Succinctly, facts of the case are that the Police party while on patrolling on 11.07.2025, saw two young men standing on the bridge, who on seeing the police, they got perplexed and threw the envelopes holding in their hands and tried to escape. On suspicion, they were apprehended. On asking, one person disclosed his name as Gurpreet Singh @ Gori (petitioner) and another told his name as Ranjodh Singh @ Jodha. They were suspected to be carrying some contraband in the polythene bags thrown by them and thus, search of same was conducted. On checking, Rs.10,000/- drug money and 15 grams of heroin were recovered. They failed to produce any licence regarding the possession of the same, thus, the FIR was registered and they were arrested on the spot. On the registration of the FIR, the investigation commenced. The petitioner approached the Court of learned Judge Special Court, Moga 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 28.07.2025. Hence, the petitioner has approached this Court praying for grant of regular bail by way of filing the present petition.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case. She submits that no recovery whatsoever has been effected from the petitioner, however, the same has been planted upon the petitioner. She submits that the alleged recovery was effected from a public place, however, no independent witness has been joined. She submits that there is violation of provisions of Section 50 of NDPS Act in conducting the search. She has submitted that even otherwise the alleged recovery effected from the petitioner is a non-commercial quantity, thus, provisions of Section 37 of the NDPS Act are not attracted in this case. It is submitted that though the petitioner has been prosecuted in other cases, however, in some cases, he is acquitted and in rest of the cases, he is on bail. She, thus, submits that the petitioner deserves the concession of regular bail.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by counsel for the petitioner. She has submitted that recovery has been effected from the petitioner on due compliance of NDPS Act. She has submitted that the petitioner was arrested on the spot and recovery of 15 grams of heroin was effected from the petitioner and the co-accused. He further submits that the case is under investigation. He has placed on record the custody certificate of the petitioner and has submitted that the petitioner is involved in 14 other cases.



5. After hearing counsel for the parties and perusing the record, it is deciphered that 15 grams of heroin has been allegedly recovery from the petitioner, which is a non-commercial quantity. As submitted by learned counsel for the petitioner no independent witness has been joined at the time of recovery of the contraband. Custody certificate of the petitioner would show that the petitioner has suffered incarceration of 01 month & 16 days as on 30.08.2025. It further reveals that petitioner is involved in other cases also, however, he is on bail in those cases. As submitted before this Court the case is under investigation.

6. 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. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

7. 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.

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

(RAJESH BHARDWAJ)
JUDGE

01.09.2025

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Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No