



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

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**CRM-M-29383-2025  
Date of decision: 01.07.2025**

Gurpreet Singh @ Disha

.....Petitioner

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present : Mr. Varlin Garg, Advocate (through VC)  
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab and  
Mr. Sahil Chowdhary, AAG Punjab.

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**MANJARI NEHRU KAUL, J. (ORAL)**

1. The petitioner in the instant (second) petition is seeking the concession of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.0128 dated 05.09.2023 under Sections 22(b)(c)/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') (Section 22(c)/27/61/85 of the NDPS Act added lateron) registered at Police Station Kabarwala, District Sri Muktsar Sahib.

2. Learned counsel for the petitioner submits that in an apparent case of false implication, the petitioner has now been in custody since 05.09.2023. It has been argued by the learned counsel that after the challan was presented on 29.11.2023, charges were framed more than a year later on 14.12.2024, however, till date only 02 prosecution witnesses had been partly examined out of the 15 cited by



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the prosecution, hence, the petitioner could not be made to languish in custody for an indefinite period and that too for reasons attributable to the lackadaisical attitude of the prosecution witnesses.

3. On being pointedly asked, learned counsel for the petitioner has emphatically stated that it is on account of the repeated absence of the prosecution witnesses before the learned Trial Court that the trial has not concluded till date. On being further asked, learned counsel submits that the petitioner has clean antecedents and has never been ever involved in any other criminal case much less under the NDPS Act.

4. *Per contra*, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions, has not disputed the custody period of the petitioner nor has he, on instructions, disputed the stage of trial. It has also not been disputed on instructions that the petitioner has no previous criminal antecedents. However, it has been asserted that the petitioner was nabbed on suspicion by the police party; the petitioner got nervous on seeing the police party and threw the polythene bag which contained the recovered contraband i.e. 02 strips of Etizolam (20 tablets).

5. On being pointedly asked, learned State counsel has not been able to controvert that the delay in the conclusion of the trial has been for reasons attributable to the prosecution and prosecution alone.

6. I have heard learned counsel for the parties and perused the material placed on record.

7. The petitioner has been in custody since 05.09.2023. The



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possibility of the trial concluding in the near future looks remote in the facts and circumstances as already enumerated hereinabove. The petitioner is not involved in any other criminal case much less under the NDPS Act. Hon'ble the Supreme Court in ***Dheeraj Kumar Shukla Vs. State of Uttar Pradesh (SLP(Crl.) No.6690/2022)*** decided on 25.01.2023 has observed as under:-

*“.... It is true that the quantity recovered from the petitioner is commercial in nature and the provisions of Section 37 of the Act may ordinarily be attracted. However, in the absence of criminal antecedents and the fact that the petitioner is in custody for the last two and a half years, we are satisfied that the conditions of Section 37 of the Act can be dispensed with at this stage, more so when the trial is yet to commence though the charges have been framed.”*

8. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner. Accordingly, the instant petition is allowed and the petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

9. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of same.

01.07.2025

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(MANJARI NEHRU KAUL)  
JUDGE

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