



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

220

CRM-M-1050-2025
Decided on : 28.07.2025

Gurbaaz Singh . . . Petitioner(s)

Versus

State of Punjab . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Ms. Samanpreet Kaur, Advocate for
Mr. Harmanpreet Singh, Advocate, for the petitioner(s).

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 here-under:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Gurbaaz Singh	182	27.09.2023	21, 23, 25, 27-A, 29, 61, 85 of NDPS Act	Gharinda	Amritsar Rural

2. As per the case of prosecution, there was a secret information with the police and thereupon, the Innova Car bearing registration No. PB46-AA-0263, was intercepted, which was found to be driven by co-accused Vishal Singh and petitioner – Gurbaaz Singh, aged 36 years, was noticed sitting on the co-passenger seat.

3. Learned counsel for the petitioner contends that the petitioner, neither being the owner nor the driver of the said vehicle, cannot be presumed to be an accused in the absence of proof establishing his conscious possession of the contraband, i.e., 1.750 kg of 'Heroin', allegedly recovered from beneath



the co-passenger seat in five bottles. It is further submitted that the petitioner has been in custody since the date of his arrest from the spot, i.e., 27.09.2023, and has thus undergone incarceration for a period of approximately 01 year, 09 months, and 26 days.

4. It is also submitted that following the conclusion of investigation, the challan was presented on 23.02.2024, and charges were framed on 19.09.2024. However, out of the total 14 prosecution witnesses cited, not even a single witness has been examined till date.

Additionally, it is argued that the petitioner has no antecedents of involvement in any similar offence under the NDPS Act. Therefore, pending conclusion of the trial and adjudication of charges, the petitioner cannot be subjected to prolonged pre-trial detention. Accordingly, prayer is made for the grant of regular bail to the petitioner.

5. On the other hand, learned State counsel has filed custody report dated 25.07.2025, in Court today, which is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

A copy thereof has been handed over to the counsel for the petitioner.

6. Learned State counsel vehemently opposed the prayer of bail. However, he is unable to refute the factual aspects of the case, which have been recorded here-above. However, learned State counsel submits that a substantial recovery has been effected from the petitioner, i.e., 1.750 kg 'Heroin', which falls under the 'commercial' category. Thus, keeping in view the nature of offence and the substantial recovery of narcotic contraband, petitioner is not entitled to the concession of regular bail without first establishing his innocence.



However, he fairly conceded that except present case, petitioner is not found indulged in any other similar activity. He is inside jail for 01 year, 09 months and 26 days, and till date, none of the witnesses has been examined so far, out of the total 14 prosecution witnesses.

7. Therefore, taking note of the submissions and the circumstances, noticed here-above, I deem it appropriate to consider the petitioners' plea for grant of bail.

8. 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.

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

10. The observation made here-in-above 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.

11. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

12. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

July 28, 2025

J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No