



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

**CRM-M-12253-2026 (O&M)
DECIDED ON: 21.04.2026**

GAGANDEEP SINGH ALIAS GAGAN

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr. Rishu Mahajan, Advocate
for the petitioner.

Mr. H.S. Wadhwa, DAG, Punjab.

MANDEEP PANNU, J (ORAL)

1. This is the first petition under Section 483 of BNSS (corresponding Section 439 Cr.P.C.) for grant of regular bail to the petitioner in FIR No. 52 dated 29.03.2024, registered under Sections 21(C)/25/29/27-A of the NDPS Act and Sections 25/54 of Arms act, at Police Station Chheharta, District Police Commissionerate, Amritsar.

2. As per the prosecution case, the petitioner, along with co-accused, was found in conscious possession of a country-made .32 bore pistol loaded with three live cartridges, a magazine, a polythene bag containing 1 kg 500 grams of heroin and Rs.50,000/- as drug money.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. It has been further contended that nothing has been recovered from the conscious possession of the



petitioner. It has been further contended that there is non-compliance of mandatory provisions of Section 50 of the NDPS Act. It has been further submitted that the petitioner is a man of clean antecedents as he is not involved in any other case. Learned counsel further submits that co-accused, namely, Jaramanpreet Singh @ Jarman and Paras Singh have already been granted the concession of regular bail by a Coordinate Bench of this Court vide Annexures P-3 and P-4 respectively. It has been further averred that out of total 18 prosecution witnesses, only 01 witness has been examined till date, meaning thereby the conclusion of the trial will take long time.

4. On the other hand, learned State counsel has produced the custody certificate of the petitioner today in Court, which is taken on record. He opposes the bail petition on the ground that a commercial quantity of contraband has been recovered in the present case along with one country made pistol of .32 bore containing 03 live cartridges along with magazine and drug money of Rs.50,000/-, and therefore, the petitioner does not deserve the concession of bail.

5. I have heard learned counsel for the parties and have gone through the record.

6. Admittedly, the petitioner is in custody for the last 02 years and 14 days. It is not disputed that out of total 18 prosecution witnesses, only one witness has been examined till date, meaning thereby the conclusion of the trial will take considerable time. Furthermore, co-accused, namely, Jaramanpreet Singh @ Jarman and Paras Singh have already been granted the concession of regular bail by a Coordinate Bench of this Court vide Annexures P-3 and P-4 respectively



7. Reliance is placed upon a judgment of two-Judge Bench of the Hon'ble Supreme Court, in *Nandlal Mondal @ Abhay Mondal v. State of West Bengal, SLP (Crl.) No.12788/2023*, granted bail to the accused after 18 months of incarceration on the ground of delay in trial in an NDPS matter involving commercial quantity of contraband.

8. Reliance can be placed upon the judgment of the Hon'ble Apex Court rendered in "*Dataram versus State of Uttar Pradesh and another*", *2018(2) R.C.R. (Criminal) 131*, wherein it has been held that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of his right to life and liberty, as enshrined under Article 21 of the Constitution of India and is against the principle "*bail is a rule*" and "*jail is an exception*".

9. Regarding recovery of Rs.50,000/- as drug money from the petitioner alongwith co-accused, *prima facie* there is no evidence to link the present amount as drug money. It has been held by a Coordinate Bench of this Court in '*Parveen @ Raman vs. State of Punjab*', CRM-M-48691-2024 decided on 18.10.2024.

14. At the stage of invocation of Section 27A, there was no prima facie evidence of financing, directly or indirectly. Thus, the rigors of Section 37 of the NDPS Act shall also not attract."

10. Considering that the petitioner is in custody for the past 2 years and 14 days, and that out of a total of 18 prosecution witnesses only one has been examined so far, with the trial likely to take considerable time to conclude, this Court is of the view that no useful purpose would be served by keeping the petitioner incarcerated for an indefinite period.



11. In view of the above, the present petition is allowed and the petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

12. However, it is made clear that any observation made hereinabove shall not be construed as an expression of opinion on the merits of the case.

13. All pending miscellaneous application(s), if any, shall also stand disposed of.

(MANDEEP PANNU)
JUDGE

21.04.2026

Poonam Negi

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No