

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Sr. No.215CRM-M-2487-2025(O&M)
Date of Decision:20.02.2025

Jaspreet Singh...Petitioner

VERSUS

State of Punjab...Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present:- Mr. Yashpal Thakur, Advocate
for the petitioner.

Mr. Vipin Kapoor, Sr. 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 hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Jaspreet Singh	67	01.03.2023	22 NDPS Act	City Kharar	Mohali (SAS Nagar), Punjab

2. Learned counsel for the petitioner contends that recovery in the present case is of 1500 tablets of Lomotil from the petitioner and as per the Forensic Science Laboratory report, salt of Diphenoxylate Hydrochloride and Atropine Sulphate is found to be 96 grams, which is little less to the double of the maximum of the commercial quantity and thus the petitioner cannot be alleged to be possessed with a very huge quantity. The petitioner is inside the jail for the last more than 1 year and

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11 months and out of total seven, only two of the prosecution witnesses have been examined till date and thus the trial is at a very low pace. The petitioner is not involved in any other case also.

3. On advance notice and in response to the arguments addressed by learned counsel for the petitioner, learned State counsel, produces the custody certificate dated 19.02.2025 in Court today, which is taken on record. Office to tag the same at appropriate place. A copy thereof has been handed over to the counsel for the petitioner.

4. Learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, submits that the commercial quantity of the intoxicated tablets have been recovered from the possession of the petitioner and, therefore, as per the bar under Section 37 of NDPS Act, without giving any surety of not repeating the crime, he should not be released on bail. However, learned State counsel is unable to dispute the other factual aspect, which has been explained by learned counsel for the petitioner including that of the total period of incarceration already having been suffered by him, which is near to the period of 02 years.

5. After examining the record and on hearing the respective counsel and by recording the submissions, referred above, I deem it appropriate to consider the plea of the case. As far as the bar of Section 37 of NDPS Act is concerned, definitely nothing can be commented about the future conduct of the petitioner untill he is convicted in the present case. It is also noticed that the quantity recovered is though commercial quantity, but same cannot be termed as a very huge quantity.

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He is not involved in any other case. The petitioner, who is of the age of 35 years is also not alleged to be involved in any other similar activity.

6. In view of totality of circumstances, and the facts/allegations levelled against the petitioner, and the factors noticed hereinabove, I deem it appropriate to grant the concession of bail to the petitioner.

7. 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.

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

9. The observation made hereinabove 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.

10. 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.

11. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

20.02.2025***dinesh***

Whether speaking/reasoned?
Whether reportable?

Yes/No
Yes/No