



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

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CRM-M-2230-2025 (O&M)
Date of decision: 27.10.2025

JASKARAN SINGH

... Petitioner

Versus

STATE OF PUNJAB

.. Respondent

CORAM : HON'BLE MR. JUSTICE SANJAY VASHISTH

Present:- Mr. Ruhani Chadha, Advocate and
Mr. Kashav Chadha, Advocate for the petitioner.

Mr. Manjinder Singh Bhullar, DAG, Punjab.

Sanjay Vashisth, J. (Oral)

1. This is the second petition, filed by the petitioner-Jaskaran Singh aged 20 years, under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS) for grant of regular bail in FIR No.140 dated 09.10.2023 under Sections 307, 34 of IPC, 1860 and Sections 22(c), 29/61/85 of NDPS Act, 1985 and Sections 25, 27, 54 and 59 of Arms Act, 1959 (Section 489 of IPC, 1860 added later on) registered at Police Station Jhabal, District Tarn Taran.

2. While patrolling, the members of the police party were checking the vehicles, one Black coloured motorcycle, boarded by two non-sikh persons was seen coming towards Amritsar and on being signalled to stop by Inspector Rajinder Singh SHO, pillion rider directly opened three fires at the police party. Thereafter, while making an attempt to turn around the motorcycle, the motor cycle slipped due to which they fell down. The concerned SHO along with his associates apprehended the riders and also recovered the motorcycle along with



a pistol of 32 bore with a magazine in the hand of pillion rider. The co-accused who was driving the motorcycle told his name as James Mashih and another young man/pillion rider disclosed his name as, Jaskaran Singh (the petitioner herein). The SHO then expressed his suspicion on having some narcotic substance with them and informed them about their legal right to get their search conducted in the presence of some Gazetted Officer. Both the accused opted to get themselves searched before a Gazetted Officer. Thereupon, Mr. Kaljit Singh, DSP, reached there on spot along with his team. After following the process prescribed in law, search was effected and inside the box attached on right side of motorcycle, one envelope containing 350 grams of Heroin was recovered.

3. Counsel for the petitioner argues that the story framed up in the FIR seems to be false, because, neither any registration number of the motorcycle is mentioned, which was boarded by the petitioner along with his co-accused, nor it is mentioned that said motorcycle was without any number plate. He further argues that as per FIR, recovery was effected at 9:45 PM and firing of shot at that time by the petitioner seems to be concocted version. Moreover, there is no injury suffered by any of the police officials, out of the shots allegedly fired by the petitioner (being pillion rider) and therefore, no offence u/s 307 of IPC can be alleged to have been made out in the present case.

4. Counsel for the petitioner further submits that recovery was effected on 09.10.2023, i.e. about two years back. When the petitioner was arrested and thereby now incarceration period of more than two years has already been suffered by him, without final adjudication of the trial. Despite framing of charges on 22.05.2024, only 3 witness(s) out of total 11 prosecution



appears that same is not likely to be concluded in the near future. He also argues that petitioner is neither owner of the motorcycle, nor any recovery of the narcotic substance has been effected from his possession. Therefore, no definite view can be taken at this stage, nor it can be assumed that petitioner was having conscious possession of the recovered 350 grams of heroin, which was not visible, unless the side box and the envelope lying in it, is opened. As far as, petitioner's involvement in other two cases, i.e. (i) FIR 35 dated 11.06.2024, u/s 21, 25, 27A, 29, 25 of NDPS Act, PS Spoc Amritsar; and (ii) FIR No. 136, dated 04.10.2023, u/s 336, 148, 149 of IPC and also u/s 25 of Arms Act, at P.S. Shri Hargobindpur, Gurdaspur, is concerned, same should not come in the way of plea of bail in the instant case, because, in none of the cases, petitioner has been proved guilty by the Courts concerned, moreover, he is on bail.

5. Adding more to the submissions, counsel argues that the petitioner was arrested in the instant case and subsequently on the basis of the alleged disclosure statement, petitioner was involved in another NDPS Act, 1985 case i.e. FIR No.35 dated 11.06.2024 (*supra*) in which he has already been released on bail vide order dated 24.07.2025 passed in CRM-M-18355-2025. The petitioner has also been released on bail in FIR No. 136 dated 04.10.2023 (*supra*). As of now, on account of being inside jail, the petitioner is unable to come out of the jail in the aforementioned 02 cases also.

6. Thus, on the basis of all the aforementioned pleas taken by counsel for the petitioner, bail in the instant petition, is prayed for by the petitioner - Jaskaran Singh.

7. Before proceeding further, learned DAG, Punjab while vehemently opposing the prayer for bail, submits that the recovered contraband is of



cannot be considered to be innocent as of now. He further points out that out of total 11 prosecution witnesses, 03 have been completely examined and 01 more witness has been recorded partly.

8. I have considered the submissions addressed by the counsel having been referred to herein above and have also gone through the record.

9. Admittedly, the allegations against the petitioner is that he was the pillion rider over the motorcycle and fired three shots upon police party but none of the member of the police team suffered any injury. Thus, whether the allegations levelled against the petitioner, carries any substance or are full of falsehood are yet to be determined at the final stage of the trial. In other 02 cases (referred hereinabove) as counsel for the petitioner states, the petitioner has already been ordered to be released on bail. Also, the trial is at a slow pace as only 03 of the prosecution witnesses have been examined so far, despite the petitioner being inside jail since 09.10.2023 i.e. for a period of last more than 02 years. Therefore, prayer made in the present petition is accepted and is thus **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 / Area Magistrate / Duty Magistrate concerned, if not required in any other case.

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

11. Any of the discussion done and recorded hereabove, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis



of evidence available on record, as expeditiously as possible in accordance with law.

12. Petition stands disposed of.

27th October, 2025

Sonia Puri

**(SANJAY VASHISTH)
JUDGE**

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