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

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CRM-M-1773-2025 (O&M)
Date of decision : 21.08.2025

Jatinder Singh @ Shera**...Petitioner**

Versus

State of Punjab**...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Manjinder Singh Saini, Advocate
for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in FIR No. 04 dated 19.01.2020, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Sadar Hoshiarpur, District Hoshiarpur.

2. Brief facts of the case relevant for the disposal of the present petition are that on 19.01.2020, the petitioner and co-accused Jaskaran Singh @ Billa were apprehended by a police party and recovery of 105 grams of intoxicating material (Tramadol) was effected from the petitioner, whereas recovery of 175 grams of the same contraband was recovered from co-accused. Subsequently, the petitioner was granted concession of interim bail awaiting the FSL report, vide order dated 26.06.2020 passed in **CRM-M-11140-2020**. However, he absented himself from the Court proceedings, which resulted into cancellation of his bail and ultimately into his declaration as proclaimed offender. He was arrested in the month of

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April, 2023 and since then, he is in custody.

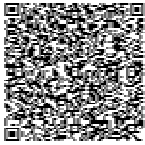
3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. He was granted concession of regular bail by this Court and was regularly attending the Court proceedings but due to his absence before the Court concerned, his bail was cancelled. He was re-arrested on 13.01.2023 and since then is in custody. His total custody period is 03 years and 03 days. The trial is still not progressing at proper pace. Even otherwise, the quantity of the contraband recovered from the petitioner does not fall under commercial quantity. He is ready to abide by the terms and conditions to be imposed by this Court. He undertakes to attend the Court proceedings, as and when he is required to do so. It is, therefore, urged that the petition deserves to be allowed and the petitioner deserves to be granted concession of regular bail.

4. Custody certificate has been filed by the respondent-State. Learned State counsel has argued that keeping in view the gravity of the allegations levelled against the petitioner as well as his conduct, he is not entitled to get benefit of bail. Therefore, it is urged that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also gone through the material placed on record very carefully.

6. Admittedly, the petitioner was granted concession of interim bail by this Court awaiting the FSL report but he did not surrender before the Court even after receipt of the said report. He was ultimately declared a proclaimed offender and was arrested on 13.01.2023. Since then, he is in

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custody. As per custody certificate, the total custody period of the petitioner is 03 years and 03 days. The quantity of the contraband recovered from him does not fall under commercial quantity. The absence of the petitioner before the trial Court obviously cannot be appreciated but it does not attract the consequence of keeping him into custody through the entire trial, especially when the trial is delayed. Keeping in view the aforesaid facts and circumstances, I am of the considered opinion that this petition deserves to be allowed. Accordingly, the present petition is allowed and the petitioner is ordered to be released on regular bail, subject to his furnishing personal bond and two sureties to the satisfaction of the trial Court/Duty Magistrate concerned.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

21.08.2025
Wassem Fawzi

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No