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

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CRM-M-1766-2025 (O&M)

Date of decision: 11.03.2025

Jagtar Singh @ Malli**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Raj Kumar Chandana, Advocate
for the petitioner.

Ms. Swati Batra, Deputy Advocate General, Punjab.

MANISHA BATRA, J. (Oral)

1. The instant one is the second petition that has been filed by the petitioner seeking regular bail in case bearing FIR No. 167 dated 03.08.2023, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Dharamkot, District Moga. The first petition, bearing number **CRM-M-16156-2024**, was dismissed as withdrawn on 29.05.2024.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 03.08.2023, the petitioner was apprehended by a police party headed by ASI Raghvinder Prashad and recovery of 65 loose tablets of *Etizolam* was effected from him. Since he could not produce any permit or licence to keep in his possession the said drugs, he was formally arrested at the spot. After completion of necessary investigation and usual formalities, *challan* was presented in the Court and presently, the petitioner is facing trial for commission of aforesaid mentioned offences.

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3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. No recovery was effected from him. The contraband allegedly recovered from the petitioner was in fact planted upon him. The police had grudges against him and the false implication of the petitioner is evident from the fact that at the instance of the same Investigating Officer i.e. ASI Raghvinder Prashad, one more FIR bearing No. 122 dated 14.06.2023 under Sections 22 and 29 of the NDPS Act had been registered against the petitioner. Even the place of occurrence alleged in both the same FIRs is the same. Even otherwise, investigation has since been completed and challan has been presented. Conclusion of trial is likely to take time. The petitioner is in custody since 03.08.2023. No useful purpose would be served by keeping him in custody anymore. Co-accused Baljit Singh has already been granted concession of regular bail by this Court, vide order dated 20.03.2024 passed in ***CRM-M-13295-2024***. On the grounds of parity, the petitioner too deserves the same benefit. It is, therefore, urged that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State. It is submitted therein and learned Deputy Advocate General, Punjab has argued that the petitioner was apprehended at the spot and commercial quantity of the contraband was recovered from him. He is already involved in 04 other FIRs under the NDPS Act. Hence, the rigors of Section 37 of the NDPS Act would be attracted against him. Trial may be expedited. It is also argued that if the petitioner is released on bail, he can abscond or indulge in similar offences. It is, thus, argued that the petition is liable to be dismissed.

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5. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

6. The quantity of the contraband allegedly recovered from the petitioner obviously falls within the ambit of commercial quantity. Apart from the present case, he is shown to be involved in 04 other FIRs of similar nature. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted against him as there is nothing on record to show that he did not commit the subject crime or in case he is released on bail, he would not commit the similar offences. Although, the petitioner has raised some points regarding his false implication but the same could not be looked into by this Court at this stage while deciding a petition for grant of bail. The case of the petitioner cannot be said to be at par with that of co-accused Baljit Singh as he was nominated on the basis of the disclosure statement, whereas the petitioner was apprehended at the spot and recovery of aforesaid contraband was effected from him. The mere fact that the petitioner has undergone certain period of incarceration by itself would not entitle him to be enlarged on bail, nor the fact that the trial is not likely to be completed in the near future either by itself or coupled with the period of incarceration would be sufficient for enlarging the petitioner on bail keeping in view the gravity of offence. Therefore, in view the discussion as made above, the quantity of the contraband recovered from the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, I am of the considered opinion that the petitioner does not deserve to be granted benefit of regular bail, at this stage. Hence, the petition is dismissed.

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7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

11.03.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No