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

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CRM-M-10029-2025 (O&M)

Date of decision: 27.02.2025

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

Present:- Mr. Deepak Aggarwal, Advocate
for the petitioner.

Ms. Swati Batra, Deputy Advocate General, Punjab.

MANISHA BATRA, J. (Oral)

1. The instant one is the third petition that has been filed by the petitioner for regular bail in case bearing FIR No. 23 dated 07.03.2024, registered under Sections 21(b) and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Sadar Bathinda.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 07.03.2024, the petitioner along with four co-accused, namely Sonu @ Mandeep Singh, Gurdeep Singh @ Shinda, Krishan Singh @ Kali and Kulwant Singh @ Babbu Kana was apprehended by the police party and recovery of 20 grams of heroin was effected from a transparent polythene bag, which was in the hands of co-accused Gurdeep Singh @ Shinda. All of them were arrested at the spot. After completion of necessary investigation and usual formalities, *challan* was presented in the Court and presently, the petitioner along with the co-accused 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 the petitioner. There is nothing on record to connect him with the subject crime. Alleged recovery was effected from co-accused Gurdeep Singh @ Shinda. The petitioner has falsely been implicated in some other cases of similar nature but he is on bail in those cases. Investigation has since been completed and challan has been presented. Conclusion of trial is likely to take time. The petitioner is in custody since 07.03.2024. Even otherwise, co-accused Kulwant Singh @ Babbu and Krishan Singh @ Kali, who are similarly situated with the petitioner, have already been granted concession of regular bail by this Court, vide order dated 29.05.2024 passed in **CRM-M-21019-2024**. On the grounds of parity, the petitioner too deserves to be granted the same benefit. It is, therefore, urged that the petition deserves to be allowed.

4. Custody certificate of the petitioner has been filed by the respondent-State. It is argued by learned Deputy Advocate General, Punjab that the petitioner was apprehended along with the above named co-accused on 07.03.2024 when they were sitting in an Innova car. The petitioner does not have clean criminal antecedents as he is involved in some other cases of similar nature. Trial is going on at proper pace. It is, thus, argued that the petition is liable to be dismissed.

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

6. The petitioner along with four other co-accused was apprehended by the police party on 07.03.2024 and recovery of 20 grams of heroin was effected. It is not disputed that the said recovery was effected from a bag,

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which was in the hands of co-accused Gurdeep Singh @ Shinda. Even otherwise, the quantity of the recovered contraband does not fall within the ambit of commercial quantity. Similarly situated co-accused have already been granted concession of regular bail by this Court, as mentioned above. The petitioner is shown to be involved in some other cases but he is on bail in those cases. The petitioner is in custody since 07.03.2024. The trial is likely to take time. Keeping in view the aforesaid facts and circumstances, I am of the considered opinion that no useful purpose would be served by keeping the petitioner in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

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.

27.02.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No