



CRM-M-14784-2025

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

CRM-M-14784-2025

Date of Decision: 03.12.2025

Jograj Singh @ Joga @ Jugraaj Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Ruhani Chadha, Advocate, for the petitioner.

Mr.Raj Karan Singh, AAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for grant of regular bail to the petitioner in a case FIR No.195 dated 18.11.2021, registered under Sections 22/29 of NDPS Act, 1985, at Police Station Subhanpur, District Kapurthala.

2. Succinctly, facts of the case are that on 18.11.2021, the police party while on patrolling when reached near bridge Hamira then a person was seen coming. On seeing the police, he tried to escape and threw a plastic transparent weighted polythene at road side taking out from his right pocket of pant. On suspicion, he was apprehended. On asking, he disclosed his name to be Yograj Singh @ Joga (petitioner). He was suspected to be carrying contraband in the polythene bag that he had thrown. The polythene bag was searched and 260 grams of intoxicating substance was recovered. He failed to produced any licence regarding the possession of the same, and thus, on registration of the FIR, he was arrested. The investigation commenced. Samples taken were sent to the FSL. The petitioner was granted interim bail by learned trial Court till the receipt of the FSL report. On receipt of the FSL report, the contraband was found to be weighing 260 grams of Tramadol Hydrochloride. However, the petitioner remained absent and failed to appear before the trial Court and thus, proclamation



proceedings were initiated against him vide order dated 26.07.2024. The order dated 26.07.2024 was assailed by the petitioner before this Court, which was set aside vide order dated 09.01.2025. Thereafter, the petitioner was arrested on 15.01.2025 and since then, he is behind the bars. The petitioner approached the Court of learned Judge, Special Court, Kapurthala praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 18.01.2025. Hence, the petitioner has approached this Court praying for grant of regular bail by way of filing the present petition.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely and frivolously implicated in the present case. He submits that the alleged recovery has been effected from a public place, however, no independent witness has been joined and thus, there is violation of mandatory provisions of Section 50 of the NDPS in conducting the search. He submits that the petitioner is behind the bars since the date of his arrest, however, there is no material progress in the trial, and thus, his right of speedy trial is miserably defeated. He further submits that the petitioner has been falsely implicated in two other FIRs on the basis of disclosure statement of the co-accused therein, though both the FIRs pertain to non-commercial quantity, however, the petitioner is on bail in those cases. He, thus, submits that the petitioner deserves to be granted bail.

4. *Per contra*, learned State counsel has vehemently controverted the submissions made by counsel for the petitioner. He has submitted that the petitioner is a habitual offender. It is submitted that recovery effected



from the petitioner is 260 grams of Tramadol Hydrochloride, which is a commercial quantity and thus, provisions of Section 37 of the NDPS Act, are attracted in the present case. On instructions, he has submitted that out of total 11 prosecution witnesses, 02 witness has been examined till date. He has placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the alleged recovery from the petitioner from a public place is 260 grams of Tramadol Hydrochloride. Commercial quantity of Tramadol Hydrochloride is above 250 grams. As submitted before this Court, two prosecution witnesses have been examined out of eleven prosecution witnesses. The custody certificate would show that the petitioner has suffered incarceration of 01 year & 22 days as on 01.12.2025. It further shows that the petitioner is involved in 2 more FIRs.

6. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

8. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

9. It is being clarified that in case the petitioner does not furnish

bail/surety bonds within a period of one week from today, his custody will not be counted in the present case after one week.

10. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

03.12.2025

sharmila

(RAJESH BHARDWAJ)

JUDGE

Whether Speaking/Reasoned :

Whether Reportable :

Yes/No

Yes/No