



CRM-M-25836-2024

-1-

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

111

CRM-M-25836-2024 (O & M)

Date of decision: 10.11.2025

JASPREET SINGH

....Petitioner

Versus

STATE OF PUNJAB

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. L.S.Sekhon, Advocate and
Ms. Shefali, Advocate,
for the petitioner.

Ms. Gagandeep Kaur, DAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)

1. Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.205 dated 07.10.2023, registered at Police Station Sadar Ludhiana, District Amritsar, under Section 15 NDPS Act, 1985.

2. Learned counsel contends that the petitioner has been in custody for 2 years and 1 month. He alleges false implication. The mandatory provisions of Section 50 NDPS Act have not been complied with. No independent witness has been joined at the time of recovery. The alleged recovery of contraband effected in the present case is marginally above the commercial quantity, it being 52 kgs of poppy husk, contained in two plastic bags. However, weight of the bags has not been

CRM-M-25836-2024

deducted. There is no accuracy certificate for the weighing scale with regard to there being any error or not. Co-accused, Gurjant Singh alias Janta has since been granted bail by this Court, vide order dated 05.03.2025, after being in custody for 1 year and 5 months. Charges were framed on 23.08.2024, but out of 15 PWs, only 5 have been examined as yet. He is not involved in any other case.

3. The custody certificate dated 09.11.2025, filed by the learned State counsel is taken on record. As per the same, the petitioner is behind bars for 2 years and 1 month.

4. Learned State counsel opposes the bail on the ground that commercial quantity of contraband was recovered from the petitioner, who was apprehended at the spot. However, she is unable to controvert the submissions with regard to stage of the case; the petitioner being not involved in any other case and the co-accused having been released on bail.

5. Heard.

6. This Court in **Gurpreet Singh vs. State of Punjab** in CRM-M-45214-2021, on 23.03.2022, where recovery of 255 grams of heroin, custody was a little over 1 year and there being no criminal antecedents, granted the concession of bail and in **Sarabjeet Singh @ Sarbi vs. State of Punjab**, CRM-M-718-2023, on 24.03.2023, **Gursant Singh @ Santu vs. State of Punjab**, CRM-M-37944-2020, on 07.09.2021, wherein the recovery, effected was from a transparent polythene bag, custody being 1 year 8 days and 1 year 3 months respectively, and in **Karandeep Singh**

CRM-M-25836-2024

@ **Sunny vs. State of Punjab**, CRM-M-9712-2021, on 06.09.2021, a case of recovery of 270 and 150 grams of heroin from two accused, being marginally higher than non-commercial quantity after about 11 months. Similarly in **Simrapal Singh vs. UOI**, CRM-M-10276-2021, on 17.09.2021, the custody being of about 1 year and the recovery 1.5 grams of charas, marginally above non-commercial quantity, against which the SLP filed by UOI was dismissed on 23.01.2023, in **Basanti Mondal and Ors. vs. State of West Bengal**, SLP (Crl.) No.12586/2022 on 29.03.2023, to the lady after 11 year of custody, recovery being of 6548 bottles, each contained 100 ml of phensedyl cough linctus codeine and in **Munasi Masih vs. State of Punjab**, CRM-M-31504-2022, on 06.2.2023, wherein commercial quantity of contraband had been recovered but only 2 out of 13 PWs had been examined.

7. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last 2 years and 1 month; not involved in any other case; co-accused on bail; charges stand framed on 23.08.2024, however, 10 PWs remain to be examined; the trial is likely to take a considerable time; further incarceration of the petitioner would be violative of his right enshrined under Article 21 of the Constitution of India and the rigors of Section 37 of the NDPS Act can be diluted bearing in mind the right to a speedy trial, the present petition is allowed.

8. The petitioner is ordered to be released on regular bail, subject to furnishing bail/surety bonds to the satisfaction of trial

CRM-M-25836-2024

Court/Duty Magistrate concerned, if not required in any other case and shall abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
- (v) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- (vi) The petitioner shall not in any manner misuse his liberty.
- (vii) The petitioner shall furnish his address and mobile number by way of an affidavit to the trial Court and not change the same till conclusion of trial and if for any reasons, he seeks to change either of the aforesaid, it shall be done only with prior information to the learned trial Court.
- (viii) The petitioner shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

9. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

10. In view of the above, it is clarified that the observations made herein above are limited for the purpose of present proceedings and

CRM-M-25836-2024

would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

10.11.2025

parveen kumar

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No