



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

228

**CRM-M No.25300 of 2025
Date of decision : 23.7.2025**

Jaswinder Singh**.....Petitioner****Versus****State of Punjab****.....Respondent****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. M.K. Dhot, Advocate, for the petitioner

Mr. Jasjeet Singh, DAG, Punjab

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.6 dated 17.1.2025, under Sections 221, 281, 324(4), 132, 125, 109 of Bharatiya Nyaya Sanhita, 2023, registered at Police Station Urban Estate, District Patiala.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'At this time once statement is entered of ASI of Harpal Singh No. 2046/INT of Counter Intelligence Unit Patiala son of Subeg Singh resident of Rattakhera district village Sangrur age about 35 years mobile no. 62833-85780 Bagari District Malerkotla, Ladi Singh son of Saroop Singh resident of House No. 121 Village Bagari District Malerkotla, Jaswinder Singh son of Jagroop Singh Resident of House No. 01 Village Bagaria District Malerkotla, Jassi and two three unknown persons under section 221, 281, 324(4), 132, 125, 109 BNS through constable Jagwant Singh



2071/Pati: Police Station Mosul Hoa which is Majboon Jail," Statement Sth Harpal Singh No. 2046/INT Mamura Counter Intelligence Unit Patiala Son of Subeg Singh Resident of Village Rattakhera District Sangrur Age about 35 years Mobile No. 62833-85780. Stated that I am a resident of the at Counter said address and posted Intelligence Unit Patiala. From our unit we have conducts operations to catch the bad elements and drug smugglers. Yesterday, dated 16.01.2025, our sources informed that the smuggler in which Sari Kakaral resident of Bagdi District Malerkotla, Ladi Singh son of Saroop Singh resident of House No. 121 Bagdili District, Jaswinder Singh son of Jagroop Singh resident of House No. 01 Bagdili District. District Malerkotla, Jassi and two or three known persons who are habitual to sell drugs (poppy husk, opium, heroin etc.) have been registered in various police stations against some persons under the NDPS Act. All these persons still own three cars with registration number UP 16 BA-5056 make Skoda Rapid color golden, car number HR 51 AU-2477 make Skoda Rapid color silver and car number PB 23 T 2869 make Alto color white by taking poppy husk from UP at low price and to shold the same at higher price via Patiala going to Bagdia and if PVR Mall Barricading be done then the above persons alongwith vehicles and poppy husk can be nabbed. Upon which ASI along with S. Rajinder Singh No. 5157/INT, S. Amar Singh No. 3917/PAP, Holdar Maninder Singh No. 2063/INT and Savinder Singh No. 2366/INT barricaded in front of the PVR Mall. Then in the morning 5:30 AM when all the above came towards us I tried to stop then the drivers of above car with the intention to kill tried to run over the car upon us then I ASI and police party went behind the barricades and save their life, and above car also hit our cars bearing no. PB 11 CF3130 make Maruti Ciaz color black and government vehicle no. bolero 65 PB 2356 and ran from the spot and they left the Alto Card number above at some distance and ran away from the spot in other two Skoda cars. The above persons with the only intention to kill us try to run their cars upon us and they also put disturbed our official duty, and in this regard ASI and police party informed this incident at police control room and to our unit senior officials, our senior officials ordered that above against persons FIR be registered in concerned police station. Today I alongwith companion officials HC Manider sing 2063 INT coming at PS Urban State for giving information then you alongwith police party met me opposite Pudha Office where I



recorded my statement in the the same is heard by me and correct. Against above persons the legal action be taken. Statement of Harpal Singh said SD/-Harpal Singh ASI Confirmed statement Holder Maninder Singh said correct/-Maninder Singh, Rajesh Kumar ASI Police Station Urban Estate Patiala Date: 17.01.2025.'

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further submitted that the petitioner was not apprehended at the spot, where allegedly the *naka* (barricade) stated to be over-run by the petitioner and the co-accused. Learned counsel has further submitted that though the challan invokes Section 109 of Bharatiya Nyaya Sanhita, 2023 but no injury whatsoever has been caused to any police official. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 22.7.2025 in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 6.2.2025 whereinafter investigation was carried out and challan stands presented on 25.4.2025. Total 25 prosecution witnesses have been cited but none has been examined till date. It is, thus indubitable that conclusion of the trial will take its own time. The rival contentions raised at Bar give rise to debatable issues which shall essentially be ratiocinated upon during the



course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1 As per custody certificate dated 22.7.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of about five months and fourteen days. As per the said custody certificate, the petitioner is stated to be involved in more FIR under the NDPS Act. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in *Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586*; a Division Bench judgment of the Hon'ble Calcutta High Court in case of *Sridhar Das v. State, 1998 (2) RCR (Criminal) 477* & judgments of this Court in *CRM-M No.38822-2022* titled as *Akhilesh Singh v. State of Haryana*, decided on 29.11.2021, and *Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191*.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.



7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

23.7.2025

Ashwani

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No