



CRM-M-30216-2025

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

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CRM-M-30216-2025
Decided on :01.09.2025

Jaswinder Kumar @ Sunny

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Brijesh Nandan, Advocate for the petitioner.
(through video conferencing).

Mr. Manjinder Singh Bhullar, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C., seeking regular bail in case FIR No.130 dated 27.06.2019, under Sections 22/61/85 of NDPS Act, registered at Police Station Goraya, District Jalandhar, Punjab.

2. As per case of the prosecution, 11 injections of Buprenorphine Hydrochloride, each containing 2 ml, were recovered from the possession of the petitioner, along with unlabelled glass injections containing a liquid substance identified as Pheniramine Maleate, weighing 22.60 ml.

Learned counsel for the petitioner submits that petitioner is in custody since 27.06.2019 and has maintained clean antecedents, with

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no involvement in any other criminal case. Counsel further contends that petitioner's prolonged detention, without the trial being concluded, amounts to a violation of the fundamental right to a speedy trial. In the light of petitioner's extended incarceration and absence of any adverse criminal record, counsel prays for the grant of bail.

3. Learned State counsel, while producing the custody certificate, confirms that petitioner is in custody since 27.06.2019. However, it is submitted that the recovery of Buprenorphine Hydrochloride and Pheniramine Maleate from petitioner's possession involves serious violations under the NDPS Act. Learned State counsel further contends that granting bail at this stage may hinder the ongoing investigation and pose a risk to public health and safety. Considering the seriousness of the offence and the larger interest of society, learned State counsel prays for dismissal of the present petition.

4. Having heard learned counsel for the parties and perused the record, this Court noticed that petitioner is in custody since 27.06.2019 and that there is considerable delay in the conclusion of the trial. While the offence is serious, quantity and nature of the recovered substances require thorough examination during trial, and petitioner's actual role remains to be conclusively determined. Furthermore, petitioner's clean antecedents and the prolonged period of incarceration weigh heavily in favour of granting bail.

5. Consequently, prayer made in the present petition is allowed. Petitioner is ordered to be released on bail, subject to his

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furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/Illaq Magistrate/ Duty Magistrate concerned, if not required in any other case.

6. Any of the discussion done and recorded hereabove, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible in accordance with law.

7. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

01.09.2025*Rashmi*

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*