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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.30221 of 2025
Date of Decision: 16.09.2025
Reserved on: 09.09.2025

Jashandeep Singh @ Jashan ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Aditya Sanghi, Advocate,
for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J.

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
34	31.03.2024	Sarhali, District Tarn Taran	21(c) and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short ‘NDPS Act’) and 25 of Arms Act, 1959

2. As per the allegations, on 31.03.2024, 300 grams of heroin was recovered by police party from the tool box of the motorcycle which was driven by the accused Karamjit Singh @ Dhammi and on which the present petitioner and accused Mandeep Singh @ Deep were the pillion

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riders. On conducting personal search, one countrymade pistol each and total seven cartridges were recovered from the conscious possession of the present petitioner and co-accused Mandeep Singh. They were formally arrested and presently, they are facing trial for commission of the aforementioned offences.

3. It is argued by learned counsel for the petitioner that he is in custody since long. The co-accused Mandeep Singh @ Deep has been extended benefit of bail. On parity, he too deserves to be extended the same benefit. No other case under the provisions of NDPS Act has been registered against him. His involvement in two cases under the provisions of Indian Penal Code does not disentitle him from seeking relief of bail. The trial will take considerable time since no witness out of 12 prosecution witnesses has been examined so far. It is, therefore, urged that he deserves to be released on bail.

4. Status report has been filed. While refuting the contentions as raised by the petitioner's counsel, it is argued by learned Assistant Advocate General, Punjab that keeping in view the gravity of the allegations, the petitioner does not deserve to be extended benefit of bail.

5. This Court has considered the rival submissions.

6. The petitioner was not the registered owner of the motorbike from which the recovery of contraband was allegedly effected. He is in custody since 31.03.2024. So far, not even a single witness has been examined. The trial is obviously delayed. It is well settled proposition of law

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that prolonged incarceration generally militates against the most precious fundamental right guaranteed under Article 21 of the Constitution and to achieve balance between right to speedy trial guaranteed under Article 21 of the Constitution of India and rigors enumerated under Section 37 of the NDPS Act, an accused is not precluded from claiming bail invoking parameters of Article 21 of the Constitution of India *de-hors* the stringent provisions of Section 37 of NDPS Act. Reliance in this regard can be placed upon the observations made in ***Rabi Prakash vs. State of Odisha, 2023 Live Law (SC) 533; Ankur Chaudhary vs. State of Madhya Pradesh, 2024 (4) RCR (Criminal) 172; Mohd. Muslim @ Hussain vs. State (NCT of Delhi), 2023 AIR(SC) 1648; Satender Kumar Antil vs. Central Bureau of Investigation and another, 2022(10) SCC 51 and Bhupender Singh vs. Narcotic Control Bureau, (2022) 2 RCR (Criminal) 706.*** There is nothing on record to suggest that this is only on account of any reason attributable to the petitioner that the trial is delayed. Keeping in view the above discussed facts and circumstances, this Court is of the opinion that the further incarceration of the petitioner would not serve any useful purpose. 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

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for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

16.09.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No