



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**
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CRM-M-36053-2025
Date of decision: 30.07.2025

Jagpreet Singh @ Jagga
.....Petitioner
Versus
State of Punjab
.....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ashish Aggarwal, Advocate
for the petitioner.

Mr. Nitesh Sharma, DAG, Punjab.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this petition filed under Section 483 of the BNSS, 2023, is for grant of regular bail to the petitioner in FIR No.20 dated 24.01.2025 registered under Sections 21(B), 27-A of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') (Section 29 of the NDPS Act added subsequently) at Police Station Chheharta, Amritsar City, District Amritsar.
2. The brief facts of the case are that 50 grams Heroin and Rs.1,540/- cash as drug money along with one electric weighing scale was recovered from the possession of the present petitioner and one motorcycle was recovered from the co-accused Jagpreet Singh.
3. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case and 50 gms of Heroin has been planted upon him to show successful interception of



persons involved in drug trafficking in a state-wide campaign. Admittedly the alleged contraband recovered in the present case falls under the ambit of non-commercial quantity as the commercial quantity of Heroin is 250 gms. and thus the embargo created under Section 37 of the NDPS Act would not be applicable in the instant case. The investigation of the case is complete and the petitioner has suffered the incarceration of 06 months and 02 days.

4. Learned counsel for the petitioner further submits that there are total 14 prosecution witnesses cited in the list of witnesses, out of which, no PW has been examined till date and the trial is likely to take long time in conclusion.

5. *Per contra*, learned State counsel has filed custody certificate today in the Court which is taken on record and he opposes the prayer made by learned counsel for the petitioner on the ground that the complicity of the petitioner is duly proved and the petitioner is involved in one more case, however, he could not controvert the fact that the quantity involved in the present case does not fall under the ambit of commercial quantity.

6. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars from the last 06 months and 02 days. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. Charges have been framed and trial of the case has not



made much progress. Out of 14 prosecution witnesses, no PW has been examined so far.

7. A two Judge Bench of Hon'ble Supreme Court in ***"Satender Kumar Antil vs. CBI"***, (2022) 10 SCC 51, with respect to prevailing conditions of undertrial prisoner in India has observed:

"6. Jails in India are flooded with undertrial prisoners. The statistics placed before us would indicate that more than 2/3rd of the inmates of the prisons constitute undertrial prisoners. Of this category of prisoners, majority may not even be required to be arrested despite registration of a cognizable offence, being charged with offences punishable for seven years or less. They are not only poor and illiterate but also would include women. Thus, there is a culture of offence being inherited by many of them. As observed by this Court, it certainly exhibits the mindset, a vestige of colonial India, on the part of the investigating agency, notwithstanding the fact arrest is a draconian measure resulting in curtailment of liberty, and thus to be used sparingly. In a democracy, there can never be an impression that it is a police State as both are conceptually opposite to each other."

8. Further the culpability, if any, would be determined at the time of trial and as such, no useful purpose will be served by further detention of the petitioner-accused. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India.



9. Further keeping in view the law laid down by the Hon’ble Supreme Court of India in “*Prabhakar Tewari vs. State of U.P. and another*” 2020 (1) R.C.R. (Criminal 831) and “*Maulana Mohd. Amir Rashadi vs. State of U.P. and another*”, 2012 (2) SCC 382, the involvement of the petitioner in other cases would not be a ground to refuse grant of concession of regular bail.

10. In view of the above discussions, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner namely Jagpreet Singh @ Jagga is ordered to be released on regular bail during pendency of the trial, on furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court/Duty Magistrate.

11. Nothing observed hereinabove shall be construed to be expression of an opinion by this Court on merits of the case. The learned Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

(HARPREET SINGH BRAR)
JUDGE

30.07.2025
yakub

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