



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

250

**CRM-M-39361-2024 (O&M)
Date of Decision:- 25.03.2025**

JASKARAN SINGH ALIAS JASSI

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Vivek Singla, Advocate for the petitioner.

Mr. Ankit Grewal, DAG Punjab.

SANJIV BERRY, J. (ORAL)

1. Sh. Saravjeet Singh Brar, Deputy Superintendent of Police, City-II, Bathinda is present in Court and has tendered his explanation by way of his affidavit, which is taken on record. He has categorically stated that in the earlier status report, due to inadvertence it was mentioned that the recovery was effected from the present petition, whereas in fact no contraband was recovered from the petitioner, after he was nominated in the case on the disclosure statement of co-accused Sunil Kumar.

2. Heard.

3. The instant petition has been preferred by the petitioner under Section 483 Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in the following case :-



FIR No.	Dated	Sections	Police Station
115	28.08.2023	22(c) NDPS Act; (29 NDPS Act added later on)	Cantt. Bathinda, District Bathinda

4. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that the petitioner is not named in the FIR and his named surfaced in the disclosure statement of co-accused Sunil Kumar, from whom the alleged recovery was effected. He further contends that no recovery was effected from the petitioner and he is in custody since 31.08.2023. He submits that after the completion of investigation, challan has been presented in Court and the conclusion of trial will take sufficient long time. Thus, prays for grant of bail to the petitioner.

5. *Per contra*, learned State counsel while referring to the status report filed by the State has opposed the petition on the ground that the petitioner was nominated on the disclosure statement of co-accused Sunil Kumar, from whom commercial quantity of contraband was recovered. He has, however, not disputed the fact that no recovery was effected from the petitioner and challan has been presented in Court.

6. After considering the rival contentions and perusing the record, it transpires that as per the case of prosecution on 28.08.2023, on the basis of suspicion, the police party apprehended a car parked in a house from which the driver namely Sunil Kumar was trying to alight, having a kit bag on his shoulders. After complying with the mandatory provisions of the NDPS Act, the search of the bag carried by co-accused Sunil Kumar was conducted,



upon which 10 boxes of Tramadol Hydrochloride Tablets 100 mg Calviidol-100 SR, each box having 50 strips and each strip having 10 tablets, i.e. 5000 tablets were recovered. Thereafter, 03 big boxes lying on the rear seat of the car were checked and 75000 tablets of Tramadol Hydrochloride Tablets 100 mg Calviidol-100 SR were recovered. Thus, totalling 80000 tablets. Accordingly, co-accused Sunil Kumar was arrested and during his interrogation, he disclosed the name of the petitioner. Thereafter, the petitioner was arrested on 31.08.2023. However, consequent upon his arrest, no recovery was effected from him. After the completion of investigation, challan has been presented in Court, wherein the prosecution has cited 20 witnesses but only 02 witnesses have been examined till date. The criminal liability, if any, of the petitioner, could only be determined after the conclusion of trial, which may take sufficient long time. In the circumstances, no purpose would be served by detaining the petitioner any longer.

7. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. It is further made clear that in case the petitioner is found involved in any case under NDPS Act, after his release on bail, it will be



open for the prosecution to move an application for cancellation of his bail in accordance with law.

9. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

25.03.2025
S.Sharma(syr)

- | | | |
|-----|----------------------------|--------|
| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |