

2025:PHHC:093173



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

**CRM-M-38285-2025
Date of Decision: 25.07.2025**

Jagpreet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Surinder Garg, Advocate
for the petitioner(s).

Ms. Simran Gorla, AAG, Punjab.

RAJESH BHARDWAJ, J. (ORAL)

1. Petitioner has approached this Court by way of present 2nd petition praying for granting regular bail in case FIR No.157 dated 15.08.2023 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sidhwan Bet, District Ludhiana.

2. Succinctly, facts of the case are that on 15.08.2023, the police party received a secret information to the effect that one Jagpreet Singh (petitioner) is indulged in selling of narcotic tablets and it was informed that today he is waiting for the customer outside his shop at village Virk to supply these narcotics to his customers. If raid is conducted, he can be arrested along with the contraband. On finding the secret information reliable, a raiding party was constituted and it reached at village Virk. A person was seen standing there and on seeing the police party, he got perplexed and tried to escape but he was apprehended by the police

party. On asking, he disclosed his name as Jagpreet Singh (petitioner). After giving offer for the personal search, the same was conducted. Upon which, a transparent envelope was recovered from the right pocket of his Capri and 300 narcotic tablets containing Etizloam salt were recovered. He failed to produce any licence regarding conscious possession of the same. Hence, he was arrested on the spot and on registration of the FIR, the investigation commenced and recovered substance was sent to the FSL lab. As per FSL report the contraband recovered from the petitioner was found to be weighing 41.1 grams of Etizolam, which falls under the commercial quantity. Challan was presented. On framing of charges, the trial commenced. The petitioner approached the Court of Ld. Judge, Special Court, Ludhiana praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 23.10.2023. Thereafter, he approached this Court by way of filing CRM-M-22467-2024, which was dismissed as withdrawn on 09.08.2024. Hence, the petitioner has approached this Court praying for grant of bail by way of filing the present 2nd petition.

3. It has been contended by learned counsel for the petitioner that the petitioner has been falsely roped in the present case. He submits that the alleged recovery effected from the pocket of the petitioner, thus, there is violation of the provision of Section 50 of the NDPS Act. He further submits that the alleged recovery has been effected from a public place, but independent witness has not been joined. It is submitted that the petitioner is behind bars since the date of his arrest i.e. 15.08.2023. He submits that the petitioner is involved in 01 another case, however, he is on bail in that case. It is submitted that the petitioner has completed incarceration of 01 year, 11 months and 08 days, but there is no progress in the trial. He, thus, submits that in view of the facts and circumstances of the case, the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. She has submitted that on the basis of secret information total recovery of 300 tablets of Etizolam salt was recovered from the pocket of the petitioner and as per FSL report, total weight of recovered tablets comes out to be 41.1 grams, which falls under the commercial quantity and hence, provisions of Section 37 of the NDPS Act are attracted. On instructions, she submits that out of total 10 prosecution witnesses, 04 witnesses have been examined. She has placed on record custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the present FIR has been lodged on the basis of the secret information. The recovery in the instant case is though of commercial quantity. Out of total 10 prosecution witnesses, 04 witnesses have been examined till date. The custody certificate would reflect that the petitioner has suffered incarceration of 01 year, 11 months & 08 days as on 24.07.2025. It further reflects that the petitioner is involved in another one case under the NDPS Act although he is on bail in that case.

6. As held by the Hon'ble Supreme Court in ***Mohd Muslim @ Hussain Vs. State (NCT of Delhi), 2023 LiveLaw(SC)260***, this Court is of the opinion that the case of the petitioner is covered by the ratio of law laid down by the Hon'ble Supreme Court. In the abovesaid case, Hon'ble Supreme Court expressed its views as under:-

19. A plain and literal interpretation of the conditions under Section 37 (i.e., that Court should be satisfied that the accused is not guilty and would not commit any offence) would effectively exclude grant of bail altogether, resulting in punitive detention and unsanctioned preventive detention as well. Therefore, the only manner in which such special conditions as enacted under Section 37 can be considered within constitutional parameters is where the court is reasonably satisfied on a prima facie look at the material on record

(whenever the bail application is made) that the accused is not guilty. Any other interpretation, would result in complete denial of the bail to a person accused of offences such as those enacted under Section 37 of the NDPS Act.

20 xxxxx

21it would be important to reflect that laws which impose stringent conditions for grant of bail, may be necessary in public interest; yet, if trials are not concluded in time, the injustice wrecked on the individual is immeasurable.

22 xxxxx

23. *There is a further danger of the prisoner turning to crime, "as crime not only turns admirable, but the more professional the crime, more honour is paid to the criminal"*²² (also see Donald Clemmer's 'The Prison Community' published in 1940²³). Incarceration has further deleterious effects—where the accused belongs to the weakest economic strata: immediate loss of livelihood, and in several cases, scattering of families as well as loss of family bonds and alienation from society. The courts therefore, have to be sensitive to these aspects (because in the event of an acquittal, the loss to the accused is irreparable), and ensure that trials—especially in cases, where special laws enact stringent provisions, are taken up and concluded speedily.'

7. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Thus, keeping in view the arguments raised by both the sides, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

8. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. However, if the

petitioner does not furnish the bail bonds within 07 days from today, then his further custody period after one week will not be counted in this case.

9. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

25.07.2025
Parveen kumar

(RAJESH BHARDWAJ)
JUDGE

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