



In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-41302 of 2025

Date of Decision: 18.08.2025

Jasvir Singh alias Kala

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.

Present: Mr. Dhiraj Jindal, Advocate
for the petitioner(s).

Mr. Rohit Bansal, Senior Deputy Advocate General,
Punjab, for the respondent.

Surya Partap Singh, J.

1. The petitioner, who is facing trial, pursuant to FIR No. 126 dated 27.06.2023, Police Station Lehra, District Sangrur, has filed the present petition for bail.
2. By virtue of the above mentioned FIR, the petitioner is being prosecuted for the commission of offence punishable under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as “the 1985 Act”)
3. The allegations as contained in the FIR are that on 27.06.2023 at around 01:30 P.M., when the police party reached two kilometers ahead of village Jhaloor towards village Dhindsa for patrolling, two persons were seen coming from opposite side, on a black colour motorcycle, was spotted. As per prosecution case, when they noticed the police party on their way

ahead, they got perplexed and tried to sneak away by taking a U-turn. According to prosecution, the pillion rider threw a black coloured polythene on the passage but on the basis of suspicion, the police party intercepted the vehicle and the accused persons were apprehended. On enquiry, they disclosed their names as Jasvir Singh @ Kala who was the driver of the motorcycle and Balbir Singh @ Billu who was the pillion rider.

4. The learned State counsel has filed reply on behalf of the respondent/State. The same be taken on record. The learned State counsel has also filed custody certificate of the petitioner.

5. Heard.

6. While seeking the benefit of bail, it has been contended by learned counsel for the petitioner that as per custody certificate, the petitioner is in custody for a period of two years and 17 days; and that the investigation in this case is already complete; and the trial of the case is not likely to be concluded in the near future. According to the learned counsel for the petitioner, in view of the ratio of judgment of the Hon'ble Supreme Court in the case of *Nandlal Mondal @ Abhay Mondal Vs. The State of West Bengal SLP (Crl.) No(s).12788/2023*, the petitioner is entitled for the benefit of bail.

7. It has also been argued by the learned counsel for the petitioner that five co-accused involved in the present case have already been accorded the benefit of bail, by virtue of order dated 24.07.2025; and that on the ground of parity, also the petitioner is entitled for the benefit of bail.

8. The learned State counsel has controverted the above mentioned arguments on the ground that the recovery of contraband from the

possession of the petitioner comes within the ambit of commercial quantity; and that only 1/5th period of minimum sentence prescribed for the offence has been undergone by the petitioner. According to learned State counsel, at this stage, the petitioner is not entitled to the benefit of bail.

9. The record has been perused carefully.

10. In view of the facts and circumstances of the instant case, following are the relevant factors which need consideration:-

- i) that the accused is in custody for a period of more than two years and one month;
- ii) that the investigation in this case is already complete and nothing is left to be recovered from the possession of the petitioner.
- iii) that trial of the case is not likely to be concluded in the near future;
- iv) that the benefit of bail has already been accorded to the co-accused including one accused, namely Balbir Singh alias Billu, whose case is on the same footings as of the petitioner.
- v) that the detention of the petitioner behind the bars is not likely to serve any purpose;
- vi) that as per custody certificate, the petitioner has no criminal history.

11. Taking into consideration the cumulative effect of all the aforesaid factors, the present petition is hereby allowed and the petitioner is admitted to bail subject to his furnishing bail bonds to the satisfaction of the learned trial Court. In case, the learned trial Court concerned is not available on the date of furnishing bail bonds, the learned Sessions Judge shall be at liberty to assign the above case, for the above-mentioned purpose to any other Court.

12. It is, however, made clear that any observation made here-in-above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

(Surya Partap Singh)
Judge

August 18, 2025
“DK”

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