

2025:PHHC:161381



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

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CRM-M-46548-2024

Date of Decision: 18.11.2025

JASPAL SINGH @ KALA

... Petitioner

VERSUS

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE H.S. GREWAL.

Present: Mr. Rakesh Kumar, Advocate for the petitioner.
Mr. P.S. Pandher, AAG, Punjab.

H.S. GREWAL, J. (ORAL)

The instant petition has been filed under Section 439 of Cr.P.C. seeking concession of regular bail for the petitioner in case bearing FIR No.5 dated 04.01.2024 under Section 22 of N.D.P.S. Act, 1985 registered at Police Station Dharamkot, District Moga.

The case of the prosecution is that the petitioner was found in conscious possession of 900 loose intoxicant tablets of “Tramadol Hydrochloride” weighing 349.2 grams, which is a commercial quantity. Hence, the petitioner is accused of having in his conscious possession the commercial quantity of psychotropic substance which might entail minimum sentence of 10 years’ rigorous imprisonment.

On the other hand, learned counsel for the petitioner contends that trial of the case is moving at a very slow pace and the petitioner has already undergone custody of approximately 01 year and 10 months as on date. He further contends that the antecedents of the petitioner are clean and he is not involved in any other criminal offence/activity. He further submits that there is

no compliance of Section 50 of the NDPS Act, 1985, which entitles the petitioner to be released on bail. Learned counsel for the petitioner relies upon the judgment dated 24.07.2025 passed by this Court in **CRM-M-12231 of 2025** titled as **Adarsh Versus state of Punjab**, wherein the petitioner was ordered to be released on bail merely on the ground that there was no compliance of Section 50 of the NDPS Act, 1985.

Heard.

From the perusal of record, it is evident that the present one is a case of chance recovery as there was no prior information about the petitioner being in possession of intoxicating tablets. Hence, non-compliance of Section 50 would not affect the case. It is nowhere mentioned in the FIR that the police party was looking for the contraband and consequently found the same from the possession of the petitioner. Even the custody of approximately 01 year and 10 months is not sufficient since the minimum sentence in such like cases is 10 years' rigorous imprisonment including fine.

In view of the above, no ground is made out to grant the concession of bail to the petitioner at this stage.

Dismissed.

NOVEMBER 18, 2025.

Rajender

**(H.S. GREWAL)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No