



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

**CRM-M No.45663 of 2025
Date of Decision: 26.08.2025**

Jasveer Singh @ Jasvir Singh @ Seera

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Munish Garg, Advocate
for the petitioner.

Mr. Raj Karan Singh, Asstt. A.G., Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Present third petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.0032, dated 29.03.2024, under Sections 21, 22 of NDPS Act, 1985 (Section 29 of NDPS Act added later on), registered at Police Station Dhanaula, Barnala.

2. Succinctly the facts of the case are that the police party, while on patrolling on 29.03.2024, spotted a person walking on the right hand side of the vehicle of police party. On seeing the police party, he got perplexed. He took out an envelope from the right pocket of his pant and threw it away and when he tried to escape, the police party apprehended him. On asking, he disclosed his name as Kuldeep Singh @ Deep. He was suspected to be carrying some contraband. On suspicion,



he was given an offer for his search and on conducting the search of the polythene thrown by Kuldeep Singh @ Deep, 09 strips of intoxicant tablets were recovered, i.e. total 90 tablets and 20 grams of Heroin was also recovered from the second polythene. The petitioner failed to produce any licence regarding the conscious possession of the same, thus, the FIR was registered and he was arrested on the spot. On registration of the FIR, the investigation commenced. During the investigation, complicity of the petitioner surfaced and thus, he was arrayed as an accused in the present case. The petitioner was arrested on 30.04.2024. The petitioner approached the Court of learned Judge, Special Court, Barnala praying for the grant of bail, however, after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Barnala dismissed the bail application filed by the petitioner vide order dated 12.08.2024. Being aggrieved, the petitioner earlier approached this Court twice by way of filing CRM-M-48603-2024 and CRM-M-2042-2025, however both the petitions were dismissed vide orders dated 03.10.2024 and 22.04.2025, respectively. Hence being aggrieved, the petitioner is again before this Court by way of filing the present third petition praying for the grant of bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely and frivolously implicated in the present case. He has submitted that the petitioner has been arrayed as an accused in the present case on the basis of disclosure statement of co-accused, which is not even an admissible evidence. He has submitted that the petitioner is behind bars since the date of his arrest, i.e.



30.04.2024 and thus, he has completed incarceration of about 1 year and 03 months, however there is no progress in the trial. He has further submitted that co-accused of the petitioner, namely, Kuldeep Singh @ Deep has already been granted bail by this Court vide order dated 29.08.2024 passed in CRM-M-40795-2024 and thus, the case of petitioner is at par with that of the co-accused. He has submitted that even otherwise, the investigation is already complete in the present case. He has submitted that in the facts and circumstances, the petitioner deserves to be granted bail.

4. *Per contra*, learned State counsel has opposed the submissions made by counsel for the petitioner. He has submitted that complicity of the petitioner was duly established during the investigation. He has further submitted that recovery effected from the co-accused, Kuldeep Sigh @ Deep was 17.64 grams of Etizolam, whereas the recovery effected from the petitioner was 23.76 grams of Etizolam, which is commercial in nature and thus, the provisions of Section 37 of NDPS Act are attracted. He has submitted that the investigation already stands completed and the challan has been presented. He, on instructions, has submitted that out of total 19 prosecution witnesses, only 01 witness has been examined till date. He has placed on record custody certificate of the petitioner today in the Court and the same is taken on record. He has endorsed the fact that co-accused of the petitioner has already been granted bail by this Court vide order dated 29.08.2024. He has also submitted that the petitioner is involved in other cases as well and thus, he does not deserves to be



granted bail.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner was arrayed as an accused in the present case on the basis of disclosure statement of co-accused, Kuldeep Singh @ Deep, who has already been granted bail by this Court vide order dated 29.08.2024. The petitioner is behind bars since the date of his arrest, i.e. 30.04.2024. Recovery effected from the petitioner falls under the category of commercial quantity. Custody certificate produced would show that the petitioner has suffered incarceration of 01 year, 03 months & 26 days as on 25.08.2025. Out of total 19 prosecution witnesses, only 01 witness has been examined so far. Co-accused of the petitioner has already been granted bail by this Court vide order dated 29.08.2024.

6. In view of the facts and circumstances of the present case, this Court cannot ignore the fact that the speedy trial is the fundamental right of every accused. 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.

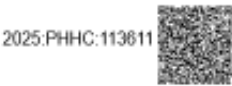
20. xxxxx

21.it 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. Keeping in view the arguments raised by both the sides and perusing the record, 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 on parity.

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.

9. Nothing said herein shall be treated as an expression of opinion on the merits of the case. However, if the petitioner does not furnish the bail bonds within seven days from today, then his further custody period after one week will not be counted in this case.

26.08.2025

(RAJESH BHARDWAJ)
JUDGE

<i>rittu</i>	Whether Speaking/Reasoned	:	Yes/No
	Whether Reportable	:	Yes/No