



CRM-M-45748-2025

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

CRM-M-45748-2025

Date of Decision: 26.08.2025

Jagdeep Singh @ Jaggi

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Jashandeep Singh Sandhu, Advocate, for the petitioner.

Ms. Simran Gorla, AAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Petitioner has approached by way of filing the present petition praying for grant of regular bail in case FIR No.234 dated 26.09.2022 under Sections 21(C), 25, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station STF SAS Nagar, Mohali.
2. Succinctly, facts of the case are that 26.09.2022, the police party received a secret information to the effect that Jagdeep Singh @ Jaggi (petitioner), who is lodged in Ferozepur Jail, is indulged in selling heroin in association with his friends Navtej Singh @ Saba, Jagmeet Singh @ Meet. It was informed that Jagdeep Singh @ Jaggi supplies heroin to Navtej Singh @ Saba and Jagmeet Singh @ Meet from jail and they both sell the same and deliver the money to Jagdeep Singh @ Jaggi. The secret informer informed that both Navtej Singh @ Saba and Jagmeet Singh @ Meet were to supply heroin to their customers and they would go on their motorcycle Splendor Plus. In case of raid at Tarn Taran Bypass Jandiala road, they could be arrested alongwith the contraband. On receiving the secret information, raiding team was constituted and raided the place as disclosed. Two persons were seen coming on the motorcycle and had resembling features as



disclosed in the secret information and thus, they were stopped. On asking, they disclosed their name as Navtej Singh @ Saba and Jagmeet Singh @ Meet. They were suspected to be carrying some contraband and thus, their personal search and that of the motorcycle was conducted and from the tool kit of the motorcycle, one envelope was found. On search of the same, 500 grams of heroin was recovered. They failed to produce any licence regarding the possession of the same and thus, on registration of the FIR, they were arrested on the spot. Samples taken were sent to the FSL. The petitioner was already in jail and thus, he was arrested in this case on 28.09.2022. On presentation of the challan, the charges were framed and trial commenced. The petitioner approached the Court of learned Additional Session Judge, Amritsar 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 24.11.2022. Aggrieved by the same, the petitioner earlier approached before this Court twice by way of filing CRM-M-836-2023 and CRM-M-26191-2025, however, the same were dismissed as withdrawn vide orders dated 16.12.2024 and 19.05.2025, respectively. Hence, the petitioner has again approached this Court praying for grant of regular bail by way of filing the present third petition.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case. He submits that admittedly, the petitioner was behind the bars at the time of registration of the FIR and the FIR has been registered on the basis of the secret information. He submits that there is a violation of Section 42 of the NDPS Act. He submits that the petitioner has been implicated in the present



case in a due deliberated manner as there was no possibility of petitioner operating when he was already behind bars. He submits that the petitioner is in custody in the present case since 28.09.2022 and thus, has completed an incarceration of 2½ years, however, there is no material progress in the trial, thus, his right of speedy trial has been miserably defeated. He, thus, submits that in the facts and circumstances of the present case, the petitioners deserves to be granted regular bail.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by counsel for the petitioner. She has submitted that the petitioner is a habitual offender, who is involved in other cases as well. She has submitted that the recovery effected in the present case falls under the commercial quantity and thus, provisions of Section 37 of the NDPS Act are attracted. On instructions, she has submitted that out of 13 prosecution witnesses, 03 witnesses have been examined so far. He has placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that admittedly, the petitioner was behind bars when the present FIR was registered against him. The petitioner was arrested in this case on 28.09.2022. As submitted before this Court, 03 witnesses have been examined, out of 13 prosecution witnesses and out of four accused, two accused are on bail. The custody certificate would show that the petitioner has suffered incarceration of 02 years, 05 months & 27 days as on 25.08.2025. It further shows that the petitioner is involved in other cases, out of which in majority of the cases, he is on bail.

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.

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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.

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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 trial of the case is likely to take sufficient time. Speedy trial is the right of every accused. The Hon'ble Supreme Court in **Ashim @ Asim Kumar Haranath Bhattacharya @ Asim Harinath Bhattacharya @ Aseem Kumar Bhattacharya Vs. National Investigation Agency, 2022(1) SCC 695** has held as under:

“Deprivation of personal liberty without ensuring speedy trial is not consistent with Article 21 of the Constitution of India. While deprivation of personal liberty for some period may not be avoidable, period of deprivation pending trial/appeal cannot be unduly long. At the same time, timely delivery of justice is part of human rights and denial of speedy justice is a threat to public confidence in the administration of justice.”

8. The Hon'ble Supreme Court in a recent decision dated 03.07.2024 in **Javed Gulam Nabi Shaikh Vs. State of Maharashtra, Criminal Appeal No. 2787 of 2024**, has held that howsoever serious a crime may be, an accused has the right to speedy trial under the Constitution of India. Though the petitioner is involved in other cases, however, the same cannot be a ground for non-consideration of bail to him.

9. 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.



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10. 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.

11. It is being clarified that in case the petitioner does not furnish bail/surety bonds within a period of one week from today, his custody will not be counted in the present case after one week.

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

(RAJESH BHARDWAJ)
JUDGE

26.08.2025

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Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No