

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

291

CRM-M-50203-2025 (O&M)

Date of decision : 26.11.2025

Jobanjit Singh @Joban

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

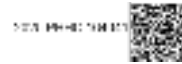
Present : Mr. Neeraj Sansaniwal, Legal Aid Counsel for the petitioner.

Mr. Jasdev Singh Thind, DAG Punjab.

SURYA PARTAP SINGH, J. (oral)

1. For the commission of offence punishable under Sections 21 and 22 of the Narcotic Drugs and Psychotropic Substances Act, hereinafter being referred to as 'NDPS Act' only, the FIR No.70 dated 06.06.2014 has been lodged in Police Station Bhindi Saidan, District Amritsar, Punjab. The petitioner is being prosecuted for the commission of abovementioned offence and he has been arrested. The petitioner is in custody and, therefore, craving for bail. This is first petition filed by the petitioner, under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

2. In nut-shell, the facts emerging from record are that the FIR of this case came into being on a report (*ruqqa*) submitted by ASI Avtar Singh, whereby he had informed that on 06.06.2014 from the possession of petitioner, 100 gms of intoxicating powder was recovered. It is the case of the prosecution that acting upon the abovementioned report, formal FIR of this case was lodged and the investigation taken up.



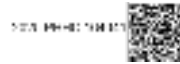
4. Heard.

5. It has been contented on behalf of petitioner that the petitioner is innocent having no nexus, whatsoever, with the commission of crime, and that he has been falsely implicated in the present case. According to learned counsel for the petitioner, the petitioner has already suffered prolonged incarceration for being in custody for a period of more than 03 years and 04 months, and that the trial is not likely to be concluded in near future, as out of 12 prosecution witnesses, 04 are yet to be examined. As per learned counsel for the petitioner, nothing is left to be recovered from the possession of petitioner, and therefore, his detention in judicial lockup is not likely to serve any purpose. In view of abovementioned grounds, learned counsel for the petitioner has urged for the benefit of bail for petitioner.

6. *Per contra*, the learned State Counsel has argued that the petitioner is a person, who was found in possession of commercial quantity of drugs, and therefore, without complying with the twin conditions enshrined under Section 37 of NDPS Act, he cannot claim the benefit of bail.

7. In addition to above, the learned State Counsel has also argued that the petitioner is a person, who was earlier released on bail, but he misused the concession of bail to the maximum possible limit, and that he was declared proclaimed person in the year 2016, and thereafter, he was arrested only in the year 2022. According to learned State Counsel, if released on bail, the petitioner is likely to abscond again, and that otherwise also, the trial is at fag end, as only 04 witnesses are yet to be examined.

8. The record has been perused carefully.



9. A perusal of record shows that in the present case, following are the relevant factors which are required to be taken into consideration, for arriving at any decision with regard to present petition for bail: -

- i) that the quantity of contraband recovered from the possession of petitioner is commercial quantity, which means that without satisfying the twin conditions, enshrined under Section 37 of NDPS Act, the petitioner cannot get the benefit of bail;
- ii) that the petitioner, who was declared proclaimed person and absconded for a period of more than 06 years till his arrest in 2022, is guilty of misusing the concession of bail to the maximum possible limit and this fact speaks in volumes against his ineligibility for the benefit of bail;
- iii) that the trial is at final stage, as majority of witnesses have already been examined, and thus, in the name of long incarceration also, the petitioner cannot claim the benefit of bail;

10. If the cumulative effect of all the abovementioned factors, involved in the instant case, is taken into consideration, it leads to a conclusion that the petitioner is not entitled for the benefit of bail, and that the present petition deserves dismissal.

11. Accordingly, the present petition is hereby ***dismissed***. However, the learned trial Court is directed to conclude the trial by 31.03.2026.

12. Pending miscellaneous application(s), if any, shall stand disposed of.

(SURYA PARTAP SINGH)
JUDGE

NOVEMBER 26, 2025

Gaurav Thakur

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No