



CRM-M-51651-2025 (O&M) -1-

(227) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-51651-2025 (O&M)
Date of decision : 22.12.2025

JAGTAR SINGH

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA (ORAL)

Present: Mr. Raj Kumar Arya, Advocate for the petitioner

Ms. Sakshi Bakshi, AAG, Punjab

MANISHA BATRA, J. (ORAL)

1. The instant petition has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short* “BNSS”) seeking grant of regular bail in case arising out of FIR No.12 dated 28.02.2025 registered under Sections 21, 27A and 29 of the Narcotics Drugs and Psychotropic Substances Act (*for short* “NDPS”) registered at Police Station Bhindi Saidan, Amritsar Rural District, on the allegations that on 28.02.2025, the petitioner was apprehended by Police party and recovery of 60 grams of heroin and drug money of Rs.2,500/- was effected from him, which was taken into custody. The petitioner was formally arrested. On the basis of his disclosure, one Harpal Singh was nominated as co-acused. Investigation now stands concluded and challan has been presented.

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2. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. A false recovery has been planted against him, which is of non-commercial quantity of contraband. The rigors of Section 37 of NDPS Act have not been attracted against him. He is in custody since long. His further detention would not serve any useful purpose. The co-accused Harpal Singh and Jaspal Singh have been extended benefit of bail. He is on bail in other cases as registered against him. With these broad submissions, it is urged that the petition deserves to be allowed.

3. Status report and custody certificate have been filed. It is argued by learned State counsel that the petitioner is a habitual offender, since, other cases have been registered against him. There are chances of his committing similar offences or absconding, if extended benefit of bail. It is, hence, stressed that the petition does not deserve to be allowed.

4. This Court has heard the rival submissions made by the counsel for both the parties at considerable length.

5. The petitioner is alleged to have been found in possession of non-commercial quantity of contraband on 28.02.2025. The trial would obviously take time to conclude since even charges have not been framed. The petitioner is on bail in other cases registered against him. Given the nature of the allegations, this Court is of the considered opinion that further pre-trial incarceration of the petitioner would not serve any useful purpose. It is well settled principle of law that bail is the rule and jail is an exception. Pre-trial incarceration should not be a

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replica of post-conviction sentencing. Taking into consideration the above discussed facts but without meaning to make any comment on the merit of the case, the petitioner has made out a case for grant of bail to the petitioner, at this stage. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing personal as well as surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned and on the following conditions :-

- (i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case in any manner whatsoever.
- (ii) The petitioner shall not leave the country under any circumstance without permission of the learned trial Court.
- (iii) The petitioner shall appear before the learned trial Court as and when directed.
- (iv) The petitioner shall provide his address where he would be residing after release and shall not change the same without informing the concerned IO/SHO.
- (v) The petitioner shall upon his release give his mobile phone number to concerned IO/SHO



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and shall keep his mobile phone switched on all times.

(vi) The petitioner shall surrender his passport, if any, furnish details of his cell phone, PAN Card and Aadhaar card, and shall not change his mobile number(s) during the pendency of the trial.

6. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

**(MANISHA BATRA)
JUDGE**

**22.12.2025
Amit Sharma**

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