



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

212

CRM-M No.51328 of 2025 (O&M)
Date of Decision: 28.11.2025

Jaswinder Kumar @ Ghulla

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. Tarun Singla, Advocate for the petitioner.

Mr. Rohit Bansal, Sr. DAG Punjab.

SURYA PARTAP SINGH, J. (Oral):

For the commission of offence punishable under Section 22 of Narcotic Drugs & Psychotropic Substances Act, 1985, hereinafter being referred to as 'NDPS Act', the FIR No.9 dated 05.02.2016, has been lodged in Police Station Kulgari, District Ferozepur. The petitioner has been arrested in the above mentioned case as an accused. Since the petitioner is in custody, he has filed the present petition for the benefit of bail. This is third petition for bail, under Section 483 of the 'Bharatiya Nagarik Surakhsa Sanhita, 2023'.

2. Briefly stating the facts emerging from record are that the FIR of this case came into being on the report of Assistant Sub Inspector 'Wan Singh', who stated that on 05.02.2016 when he was heading the police party deputed for patrolling duty, on the way from village 'Malwal Qadeem' to link road a tip-off was given to him by an informer. As per above named police officer it was informed that 'Jaswinder Kumar @ Ghulla' and 'Kuldeep Kumar @ Keepa' along with one lady namely 'Paro' were involved in the trade of



narcotics, and that they were present in an Indigo car bearing registration No.PB-54-B-5455. According to report submitted by the above named police officer in view of above mentioned information he prepared an information memo, and send the same to the police station for registration of FIR, and thereafter conducted a raid wherein from the possession of petitioner 250 grams of 'Heroin' was recovered.

3. It is the case of the prosecution that after recovery of above mentioned contraband necessary formalities with regard to seizure and sealing of contraband, lodging of FIR and arrest of accused were undertaken and further investigation taken-up.

4. Notice of motion.

5. Since advance notice has already been served, Mr. Rohit Bansal, Sr. DAG Punjab, appears on behalf of respondent-State, and waives service.

6. The learned State Counsel has filed custody certificate of the petitioner. The same be taken on record. No formal reply has been filed by the State. However, the learned State counsel has opted to orally oppose the present petition.

7. Heard.

8. It has been contented on behalf of petitioner that the petitioner has already suffered prolonged incarceration due to delay in trial, and that his custody period is already more than 3 years and 7 months. According to learned counsel for the petitioner the trial is not likely to be concluded in near future, and that the benefit of bail to similarly placed co-accused has already been accorded, and therefore, the petitioner is entitled for the benefit of bail.



9. The above mentioned arguments have been controverted by the learned State counsel. According to the learned State counsel, this is third petition for bail moved by the petitioner and that from the date of dismissal of second bail petition there is no change in circumstance. The learned State counsel has also pointed out that the petitioner is a person who has already misused the concession of bail as he was accorded the benefit bail but got absented, and therefore, vide order dated 16.10.2017, he was declared proclaimed offender. As per learned State counsel the petitioner had absconded till his arrest on 25.09.2022. He has further contended that otherwise also the trial in this case is at the final stage as all the prosecution witnesses have already been examined. According to learned State counsel, in the given fact situation, the petitioner is not entitled for the benefit of bail.

10. The record has been perused carefully.

11. A perusal of record shows that the learned Special Judge, Ferozepur, in its order dated 29.03.2023 has specifically mentioned that the petitioner had misused the concession of bail as he did not appear before the Court, and therefore, was declared proclaimed offender on 16.10.2017. The above mentioned order also shows that after absconding the petitioner never appeared before the learned trial Court till he was arrested after a gap of almost 5 years, i.e. till 25.09.2022. The above mentioned conduct of the petitioner speaks in volume against him. It is also relevant to note that as stated by learned State counsel the trial in the present case is at the final stage as the entire prosecution evidence which consume the maximum time during the course of trial, already stands concluded.



12. Taking into consideration the cumulative effect of all the above mentioned factors it is hereby held that the present petition is devoid of merit and deserves dismissal. Hence, the same is hereby dismissed, accordingly.

(SURYA PARTAP SINGH)
JUDGE

28.11.2025
Manoj Bhutani

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No