

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

204

CRM-M-52860-2025
Decided on :05.12.2025

Ishar Singh

. . . Petitioner

Versus

State of Punjab

. . . Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Prateek Pandit, Advocate for the petitioner.

Mr. Sukhbeer Singh, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during thependency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name & age of Petitioner (s)	FIR No.	Date	Section(s)	Police Station	District
ISHAR SINGH	32	26.02.2025	22 of NDPS Act	Kartarpur	Jalandhar Rural

2. As per the case of the prosecution, there are total two accused in the present case. Upon seeing the police party, co-accused- Bikramjit Singh, threw away a polythene bag containing 14 intoxicating tablets of Etizolam. Petitioner-Ishar Singh also threw a polythene bag, which he had taken out from the right pocket of his pajama, and upon



checking that transparent polythene bag, 16 tablets of Etizolam were recovered.

3. Counsel for the petitioner argues that by clubbing the tablets, recovery has been converted into commercial quantity, weighing more than 2.5 grams. Whereas, in the present scenario, petitioner can be attributed with the allegation of keeping in his possession only 16 tablets of Etizolam, which definitely would fall much less to the commercial quantity, as 16 tablets of Etizolam would amount to 1.696 grams of etizolam only.

4. He further submits that petitioner is there inside jail since 26.02.2025 and process of recording of statement of witnesses is yet to start. However, charges have already been framed.

5. Learned State counsel has vehemently opposed the prayer of grant of bail to the petitioner as he is involved in four more cases under the provisions of NDPS Act. However, he does not dispute the fact that in all these cases petitioner has already been granted the concession of bail. He also does not dispute the fact that process of recording of statement of prosecution witnesses is yet to start and petitioner is there inside jail since 26.02.2025.

6. I have heard learned counsel for the parties and perused the relevant material available on record with their able assistance.

7. The petitioner was found in possession of a polythene bag containing 16 tablets. Whether he can be held liable for the recovery of the other 14 tablets, which were recovered from the polythene bag thrown by his co-accused, is yet to be determined by the learned trial



Court, after leading complete set of evidence by the prosecution. Further co-accused Bikramjit Singh has been granted concession of bail vide order dated 08.09.2025 (Annexure P-3) by this Court.

8. Noticing the situation in the instant case as to whether the recovery falls within commercial quantity or non-commercial quantity, is yet to be determined by the learned trial Court and the fact that petitioner is there inside jail for the last more than 09 months and 07 days, this Court deems it appropriate to grant the concession of bail to the petitioner.

Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

9. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

10. Any of the discussion done and recorded hereabove, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible, in accordance with law.

11. It is further made clear that if, in future, petitioner is directly found



CRM-M-52860-2025

4

indulged in similar kind of activities, this order shall be deemed to be cancelled.

12. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

05.12.2025
ankit

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No