



CRM-M-65968-2025

1

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

CRM-M-65968-2025

Date of decision : 01.12.2025

Jaskaran Singh @ Karan

....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Rapton Bedi, Advocate
for the petitioner (Through V.C.).

Mr. Amit Kumar Goel, A.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed for grant of regular bail in case FIR No.0010 dated 17.01.2025, under Sections 21(c)/29/61/85 of Narcotic Drugs and Psychotropic Substances Act, 1985 and Sections 25/27/54/59 of Arms Act, registered at Police Station Sultanpur Lodhi, District Kapurthala.

2. Succinctly, the facts of the present case are that the police party, while on patrolling on 17.01.2025, saw two young persons coming on the motorcycle. On seeing the police, they got perplexed and tried to escape. Both of them threw transparent polythene pouches on the ground after taking them out from their respective pockets. On suspicion, they were apprehended and on asking, the driver of the motorcycle disclosed his names to be Navdeep Singh @ Joban and the pillion rider disclosed his name to be Jaskaran Singh @ Karan (present petitioner). They were suspected to be carrying some contraband in the polythene pouches thrown by them and thus, search of the same were conducted. On conducting the search of the pouches, 250 grams of heroin was recovered from each of the pouch. On conducting the search of the petitioner, 01



country made pistol and 05 live cartridges were also recovered. They failed to produce any licence regarding the conscious possession of the contraband and the weapons recovered. Thus, FIR was registered and both were arrested on the spot. On registration of the FIR, the investigation commenced. Samples taken were sent to the FSL. On receipt of FSL report, challan was presented. On framing of charges, trial commenced. The petitioner approached the Learned Judge, Special Court, Kapurthala praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned Judge, Special Court, Kapurthala vide order dated 05.05.2025. Aggrieved by the same, the petitioner is before this Court by way of filing of present petition for grant of bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He submits that the alleged recovery has been effected from a public place, however, no independent witness was joined by the investigating agency. He submits that the alleged recovery of the contraband was effected from the pouches which were thrown and not from the personal search of the petitioner thus, the conscious possession is also not proved. He submits that the recovery of the alleged weapon and the cartridges had also been planted upon the petitioner. He submits that though recovery in the present case is of 500 grams of heroin from both the pouches, however, as per the case of the prosecution both the accused had thrown 02 pouches by taking them out of their respective pockets and 250 grams of heroin from each of the pouch was recovered, thus the alleged recovery effected from the accused would be 250 grams of heroin which is a non-commercial quantity. To buttress his arguments, he has submitted that the petitioner



has no criminal antecedents as he has never been involved in any other criminal case prior to the present case. It is submitted that the petitioner is behind bars since the date of his arrest, however, till date not even a single witness has been examined by the trial Court. He thus, submits that in the facts and circumstances of the case, the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by the counsel for the petitioner and submits that both the accused were riding on the same motorcycle. It is submitted that they had thrown 02 different pouches and from each of the pocket thrown by them 250 grams of heroin was recovered and thus, a total recovery of 500 grams was effected, which is a commercial quantity and thus, provisions of Section 37 of NDPS Act are attracted in the present case. He submits that from the petitioner even the illegal weapon and live cartridges were also recovered. He, on instructions, has submitted that out of total 14 prosecution witnesses, none has been examined till date. 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 the recovery from the pouch thrown by the petitioner, as per case of the prosecution, 250 grams of heroin, however, in the present case total recovery of 500 grams of heroin, was effected, which is a commercial quantity and thus, provisions of Section 37 of NDPS Act, are attracted. This Court would refrain from commenting anything on the merits of the case and whether the quantity recovered is commercial or non-commercial would be assessed by the trial Court on the conclusion of the trial. As per custody certificate of the petitioner, he has suffered an incarceration of 10 months and 10 days as on 30.11.2025. It further



reflects that the petitioner has no criminal antecedents. As submitted before this Court, out of total 14 prosecution witnesses, none has been examined till date.

6. In view of the facts and circumstances of the present case, this Court cannot ignore the fact that the speedy trial is the fundamental right of every accused. 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.

20. xxxxx

21.it 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.

22. xxxxx

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 veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court.
8. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, 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. 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. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

01.12.2025

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(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No