

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:167087



316

CRM-M-65701-2025 (O&M)
Date of decision:01.12.2025

Jagjit Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Kulwinder Singh Dhillon, Advocate for the petitioner.

Mr. Durgesh Garg, AAG, Punjab.

...

Manisha Batra, J. (Oral).

1. The petitioner is seeking indulgence of this Court for grant of regular bail in case arising out of FIR No.455, dated 15.09.2025, registered under Section 22 of the NDPS Act, at Police Station Goindwal Sahib, District Tarn Taran.

2. The aforementioned FIR was registered on the allegations that on 15.09.2025, the petitioner was apprehended by a police party, when he was carrying an envelop and on seeing the police party, had tried to turn back. On conducting search, 22 white coloured labelled pills having salt of Diphenoxylate had been recovered from his conscious possession. The total weight of the same was 1.38 grams i.e. the non-commercial quantity. The same was taken into custody. Petitioner was formally arrested. Investigation qua him now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 16.09.2025. The alleged recovery is of small quantity of contraband. Though, he is involved in another case but cannot be denied benefit of bail due to that reason. He has a permanent abode. There are no chances of his absconding. No useful purpose would be served by keeping him in custody anymore. It is, therefore, argued that he deserves to be released on bail.

4. Per contra, learned State counsel has argued that keeping in view the gravity of the allegations as levelled against the petitioner, he does not deserve to be extended benefit of bail.

5. This Court has heard the rival submissions made by learned counsel for the parties at a considerable length.

6. The petitioner is in custody since 15.09.2025. Small quantity of contraband has been recovered from him. It is well settled proposition of law that bail is the rule and jail is an exception. Trial will take considerable time to conclude. His continued detention would not serve any useful purpose. Rigors of Section 37 of the NDPS Act are not attracted qua him in this case. Pre-trial incarceration of an accused should not be replica of post conviction sentencing. The petitioner is not required to be kept in custody for further investigation. In view of the above discussion, this Court is of the opinion that the bar under Section 37 of the Act does not come in the way of granting bail to the petitioner. The petitioner is in custody since long. In such circumstances, the trial is likely to take long time to conclude. The object of jail is to secure the

appearance of the accused during the trial and it can neither be punitive nor preventive and the deprivation of liberty has been considered as a punishment. As per the discussion made above, this Court is of the considered opinion that a case for release of the petitioner is made out. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/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) he shall not leave the country under any circumstance without permission of the learned trial Court.
- (iii) he shall appear before the learned trial Court as and when directed.
- (iv) he 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 and shall keep his mobile phone switched on all the times.

7. In the event of there being any FIR/complaint lodged against the petitioner, it shall be open to the respondent to seek redressal by filing an application seeking cancellation of bail.

8. It is, however, clarified that the observations made

hereinabove shall not be construed as an expression of opinion on the merits of the case and shall not influence the outcome of the trial.

01.12.2025

(MANISHA BATRA)
JUDGE

harjeet

Whether speaking/reasoned :	Yes/No
Whether reportabl e :	Yes/No