



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-71452-2025 (O&M)
Decided on : 23.12.2025

Jagjit Singh @ Jagga . . . Petitioner(s)
Versus
State of Punjab . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Ruhani Chadha, Advocate
for the petitioner(s).

Mr. Jasdeep Singh, Addl. AG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. The instant third 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 the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed here-under:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Jagjit Singh @ Jagga	95	20.04.2024	21-C of NDPS Act, 1985 [S. 29 of NDPS Act, 1985]	Jandiala	Amritsar Rural

2. As per the case of the prosecution, Jagjit Singh alias Jagga (petitioner herein), along with co-accused Akash and Sandeep Singh, was found travelling in a car. Recoveries of heroin to the extent of 300 grams, 400 grams and 300 grams, respectively, were effected from the accused persons, including the present petitioner.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. It is argued that the mandatory provisions of Sections 42 and 50 of the NDPS Act have not been complied with in their true spirit. No independent witness was joined at the time of search and seizure. It is further submitted that the petitioner is in custody since 20.04.2024 and out of the total 16 prosecution witnesses, none has been examined so far. Thus, the trial is not likely to culminate in the near future.



Learned counsel further submits that one of the co-accused, namely, Sandeep Singh, has already been extended the concession of regular bail by a Coordinate Bench of this Court vide order dated 03.11.2025, passed in CRM-M-60000-2025, titled "*Sandeep Singh v. State of Punjab*" (Annexure P-3).

4. Learned counsel also fairly admits that there are two other cases registered against the petitioner under the NDPS Act. In FIR No. 286 dated 11.12.2019, recovery of 5 grams of heroin was effected, and in FIR No. 77 dated 09.04.2020, recovery of 100 tablets containing salt of 'Tramadol' was shown. However, in both the cases, the petitioner has already been granted the concession of bail and no finding of conviction has been recorded against him. It is further submitted that the petitioner has been repeatedly implicated by the same police station, i.e., Police Station Jandiala, in all the cases.

Accordingly, on the ground of parity and keeping in view the aforementioned circumstances, it is prayed that the petitioner also deserves to be extended the same benefit of regular bail.

5. On the other hand, learned State counsel has filed the custody certificate dated 22.12.2025 in Court today, which is taken on record. Office is directed to tag the same at the appropriate place.

A copy thereof has been handed over to the counsel for the petitioner.

6. Learned State counsel, while opposing the prayer for bail, submits that commercial quantity of contraband has been recovered from the petitioner. Therefore, in view of the bar contained under Section 37 of the NDPS Act, the petitioner is not entitled to the concession of regular bail. However, learned State counsel does not dispute the factual assertions made here-above by the petitioner's counsel.

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

8. Undoubtedly, the recovery attributed to the petitioner falls within the category of commercial quantity and the rigorous of Section 37 of the NDPS Act are, therefore, attracted. However, it is equally not in dispute



that the petitioner has been in custody since 20.04.2024 and out of the total 16 prosecution witnesses, none has been examined so far, which clearly indicates that the trial is progressing at a slow pace and is not likely to conclude in the near future.

It is also a matter of record that one of the co-accused, namely, Sandeep Singh, from whom a similar recovery was effected, has already been granted the concession of regular bail by a Coordinate Bench of this Court. Thus, petitioner is entitled to seek the benefit of parity, particularly when there is no material placed on record to show that his case stands on a footing materially different from that of the said co-accused.

As regards the previous cases registered against the petitioner under the NDPS Act, it is not disputed that he has already been granted bail in those cases and no conviction has been recorded against him till date. Mere pendency of other criminal cases, in the absence of any finding of guilt, cannot by itself be a determinative factor to deny the concession of bail, especially when the trial in the present case is yet to commence.

Taking into consideration the totality of the facts and circumstances, including the prolonged period of incarceration already undergone by the petitioner, the delay in the commencement of trial, the grant of bail to the similarly situated co-accused, and without commenting on the merits of the case, this Court is of the considered view that further detention of the petitioner behind bars would not serve any useful purpose. Accordingly, the present case is found to be a fit one for grant of regular bail, notwithstanding the bar under Section 37 of the NDPS Act.

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. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.



11. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.
12. Petition stands **disposed of**.
Misc. application(s), if any, also stand disposed of.

(SANJAY VASHISTH)
JUDGE

December 23, 2025
J.Ram

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