

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M-5452-2026

Date of decision: 11.03.2026

JAGROOP SINGH ALIAS BHOOP**....Petitioner****Versus****STATE OF PUNJAB****....Respondent****CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL**

Present:- Mr. Anoop Singla, Advocate for the petitioner.

Mr. Amritpal Singh Shergill, DAG Punjab.

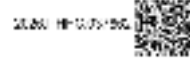
.....

RUPINDERJIT CHAHAL, J. (ORAL)

1. Prayer in the instant petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.137 dated 13.12.2024 registered under Sections 22, 29, 61, 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Mehna, District Moga.

2. Brief facts of the present case are that as per the prosecution, on 13.12.2024, S.I. Charanjit Singh along with his fellow police officials was on patrolling duty and on suspicion, apprehended the petitioner, who was found in conscious possession of 50 Tablets of Etizolam. Hence the present FIR.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and he has no concern with the said offence. He further contends that mandatory provisions of the



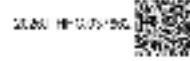
He argued that recovery of alleged contraband has already been effected and nothing more is to be recovered from him. The petitioner is in custody since 13.12.2024. The investigation in the case is complete, challan stands presented, charges have been framed and out of total 15 prosecution witnesses none has been examined till date. He submits that the trial will take a long time to conclude and no useful purpose would be served by keeping the petitioner behind the bars. In support of his arguments, learned counsel for the petitioner has relied upon judgment of Co-ordinate Bench of this Court in the case of ***'Baljit Singh @ Mintu @ Baljit Gill Vs. State of Punjab'*** passed in CRM-M-15588-2024, decided on 30.08.2024, whereby, it was held that quantity of manufactured drug i.e. Etizolam is not a hard drug like heroin, charas, opium or other synthetic drugs and the petitioner is entitled to bail on the grounds of prolonged custody. Therefore, it is urged that the petition deserves to be allowed.

4. Notice of motion.

5. Learned State counsel who has appeared on advance notice has filed the custody certificate which is taken on record. He has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature as he was apprehended at the spot with heavy quantity of alleged contraband, which falls under the commercial quantity. He has further submitted that the petitioner is involved in one more case, meaning thereby he is a habitual offender..

6. Having heard learned counsel for the parties at length and after perusing the record of the case it transpires that the recovered contraband

was analysed by the FSL and it was found to be containing the salt –



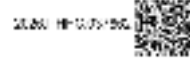
Etizolam. While deciding a regular bail petition in a case involving 7.2g of Etizolam, a Co-ordinate bench of this Court in ***Baljit Singh @ Mintu @ Baljit Gill vs. State of Punjab in CRM-M-15588 of 2024*** decided on 30.08.2024, has opined as follows:

“26. Even in the present case, the quantity of a manufactured drug i.e. Etizolam tablets and it is not a hard drug like heroin, charas, opium or other synthetic drugs, thus petitioner is entitled to bail given the ratio of Chitra Basu’s case(supra).”

7. Adverting to the facts of the present case, it is evident that the petitioner is in custody for the last more than 01 year; 02 months; investigation is complete; challan stands presented; charges have been framed, out of total 15 prosecution witnesses none has been examined till date and the fact that trial may take a long time to conclude, no useful purpose would be served by detaining him in further custody. His continued detention without the prospect of the trial being concluded in the near future would be violative of his rights under Article 21 of the Constitution of India.

8. Reliance is placed upon a judgment in the case of ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, wherein Hon’ble Apex Court has held that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of his right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle “*bail is a rule*” and “*jail is an exception*”.

9. Moreover, prolonged detention of the petitioner, without any likelihood of the trial being concluded in the near future, would amount to a

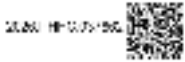


Constitution of India. The Hon'ble Supreme Court, in ***Mohd. Muslim @ Hussain v. State (NCT of Delhi)***, 2023 AIR SC 1648, while dealing with an NDPS case, held that the principles of fairness embodied under Article 21 override the statutory restrictions on grant of bail under Section 37 of the NDPS Act. Speaking through Justice S. Ravindra Bhat, the Court observed:

"20. The standard to be considered therefore, is one, where the court would look at the material in a broad manner, and reasonably see whether the accused's guilt may be proved. The judgments of this court have, therefore, emphasized that the satisfaction which courts are expected to record, i.e., that the accused may not be guilty, is only prima facie, based on a reasonable reading, which does not call for meticulous examination of the materials collected during investigation (as held in Union of India v. Rattan Malik). Grant of bail on ground of undue delay in trial, cannot be said to be fettered by Section 37 of the Act, given the imperative of Section 436A which is applicable to offences under the NDPS Act too (ref. Satender Kumar Antil supra). Having regard to these factors the court is of the opinion that in the facts of this case, the appellant deserves to be enlarged on bail.

21. Before parting, 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 . Jails are overcrowded and their living conditions, more often than not, appalling."

10. As regards the submission of learned State counsel that petitioner is involved in other/one more criminal case(s), reference is placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi Vs. State of U.P. and another***, 2012 (2) SCC 382 in which, it is held



that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other/another case(s). The relevant portion of the said judgment is reproduced herein-below:-

"As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc."

11. In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

11.03.2026
puneet

(RUPINDERJIT CHAHAL)
JUDGE

- | | | |
|-----|----------------------------|--------|
| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |