

2026-PHHC:010483



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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-11463-2025
Date of Decision: 22.01.2026

Jagdeep Singh @ Dishy ...Petitioner
Versus
State of Punjab ...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. Manas Bhatia, Advocate for
Mr. Vaibhav Narang, Advocate, for the petitioner.

Mr. Vishal Singh, AAG, Haryana.

AARADHNA SAWHNEY, J. (ORAL)

1. By virtue of the present petition under Section 483 BNSS, petitioner, co-accused in case bearing FIR No.298 dated 06.11.2024 registered against him, for commission of offences punishable u/s 21(c) of the NDPS Act at Police Station Phillaur, District Jalandhar Rural, has prayed for grant of bail.
2. Relevant facts emerging from documents on record be noticed hereinbelow:-

“On 06.11.2024, based on chance recovery, police officials of police station Phillaur, District Jalandhar Rural, seized 300 grams ‘Heroin’ from a handy bag of blue and grey colour kept on the motorcycle bearing No.PB10JG6812 (make Platina) on which Jagdeep Singh @ Dishy (present petitioner) and three others co-accused were riding.

After completing the requisite statutory formalities, ruqa was sent to the police station. Resultantly, FIR No.298 dated 06.11.2024 u/s 21(c) of the NDPS Act, Police Station Phillaur, District Jalandhar Rural was came to be registered against them.”

On culmination of investigation, challan was prepared and filed in the Court.

Petitioner-accused, who was arrested on 06.11.2024 moved an application for grant of bail before the Ld. Judge, Special Court, Jalandhar-IV. The same was dismissed vide order dated 08.01.2025. Aggrieved of which, present petition has been filed.

3. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case as nothing was recovered from the conscious possession of the petitioner. In fact, he was not present at the site. Statutory requirements were also not complied with by the police team. Further, despite the fact that the contraband was allegedly caught from public place, no efforts were made to join any independent person as a 'witness' to the case proceedings raising a serious doubt on the genuineness of the story put-forth by prosecution.

The next leg of submission raised by learned counsel is that petitioner, who has been in custody since 06.11.2024 and whose past antecedents are clean, deserves a lenient view to be taken in his favour as possibility of completion of trial in the near future, is quite remote, for out of 20 prosecution witnesses only one has been examined so far, thus, his further incarceration would not serve any useful purpose and would also be violative of Fundamental rights guaranteed under Article 21 of the Constitution of India. It is further the submission of learned counsel that one of the four accomplices, who was allegedly riding on the same motorcycle but was successful in fleeing away has also been granted concession of bail by this Court. Primarily with this submission, prayer for allowing the petition has been made.

4. *Per contra*, learned State counsel while referring to the status report dated 06.11.2025 filed by way of affidavit of Mr. Sarwan Singh Bal, PPS, Deputy Superintendent of Police, Sub-Division, Phillaur, Jalandhar

(Rural) has opposed the request for grant of bail on the ground that petitioner and three other accomplices caught red handed for keeping in their illegal possession of 300 grams heroin. Learned State counsel further contends that contraband recovered in the present case falls within the 'Commercial Quantity'. In view thereof, rigors of Section 37 of NDPS Act are attracted which bar the grant of bail, unless the twin conditions prescribed in the provision are satisfied. Further according to him, if lenient view is taken in favour of the petitioner, the likelihood of him indulging in similar offence and fleeing from process of justice cannot be ruled out. Drug menace being on the rise needs to be dealt strictly. Though learned State counsel admits that the past antecedents of the petitioner are quite clean. Dismissal of the petition has been prayed for.

5. I have heard the learned counsel for the parties and have gone through the documents on record.

6. Before proceeding to discuss the rival contentions, it would be appropriate to refer to judgment of Hon'ble Supreme Court wherein case titled as ***Shambu Lal Gurjar Vs. State of Rajasthan, SLP Criminal 16671 of 2024***, decided on 23.04.2024, it was held as under:-

"The allegations against the petitioner is that there is a recovery of 60 kgs poppy husk/straw (contraband article) from him and prior to this incident, he has three criminal antecedents relating to the NDPS Act registered in the year 2019, 2021 and 2022. The third bail application of the petitioner was dismissed by the High Court. He has already undergone about 1 year and 8 months in jail.

Heard learned counsel for the petitioner and the respondent State.

Considering the fact that the contraband article is a poppy straw although he has three criminal antecedents but since he has been in jail for the last 1 year and 8 months, we are of the opinion that a case of bail is made out for the petitioner."

Further in *Chitta Bishwas @ Shubash Vs. State of West Bengal Law Finder Doc Id# 1938935*, considering the duration of custody and progress in trial, Hon'ble Supreme Court granted bail to an accused/appellant who was found in possession of 46 bottles of PHENSYDRYL Cough Syrup containing codeine mixture above commercial quantity.

In *Md Aliul Islam @ Aliul Islam @ Aliul Vs. State of West Bengal Law Finder Doc Id# 2734487*, Hon'ble Supreme Court granted bail to an accused, involved in a case under Section 21(c)/27A of NDPS, considering custody period and similarity with other accused, whose bail had been allowed.

Similarly in *Devrata Mondal Vs. State of West Bengal Law Doc Finder Id # 2734476*, on the ground of prolonged custody and parity with other accused, co-accused Davrata, who was allegedly caught keeping in his possession 290 bottles of PHENSYDRYL Cough Syrup (Commercial quantity) was granted the concession of bail by the Hon'ble Supreme Court.

In *Santarul Islam Vs. State of West Bengal, Law Finder Doc Id# 2735329*, Hon'ble Supreme Court granted bail to the petitioner who was also caught keeping in his illegal possession of PHENSYDRYL Cough Syrup (on the ground of prolonged custody and nature of contraband).

Having gone through the aforesaid judgments, it is clear that Constitutional liberty must override the statutory embargo. Guided solely by the said principle and considering that the possibility of completion of trial in near future is quite remote, petitioner, who has been in custody since 06.11.2024 and whose past antecedents are clean, deserves a lenient view in his favour as the Court is of the opinion that in the facts and circumstances as mentioned hereinabove, further incarceration of petitioner in custody would not serve any purpose. Resultantly, petitioner is granted the concession of bail subject to his furnishing bail/surety bonds to the satisfaction of learned trial

Court/Duty Magistrate concerned. The petitioner shall abide by the following conditions:-

- (i) The petitioner shall not leave the country without prior permission of the trial Court and shall deposit the passport in the trial Court.*
- (ii) The petitioner will not tamper with the evidence during the trial.*
- (iii) The petitioner will not pressurize/ intimidate the prosecution witnesses.*
- (iv) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.*
- (v) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.*
- (vi) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.*
- (vii) The petitioner shall not in any manner misuse his liberty.*
- (viii) The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.*
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.*

7. Accordingly, the present petition is allowed and it is made clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

22.01.2026

Parveen kumar

(AARADHNA SAWHNEY)
JUDGE

Whether speaking/reasoned :Yes/No
Whether reportable :Yes/No