

2026.PHHC 059183



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

114+220

CRM-M-17179-2026 (O&M)

Date of decision: 20.04.2026

Jagjit Singh @ Jagga

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. NS Sodhi, Advocate for the petitioner.

Mr. Manipal Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY, J. (Oral)**CRM-15781-2026**

Allowed as prayed for and Annexure P3 is taken on record, subject to just exceptions.

Main Case

1. The present petition filed under Section 483 of BNSS 2023 for grant of regular bail to the petitioner in case FIR No.12 dated 17.1.2026, registered under Section 21 of NDPS Act, at Police Station Sadar Ludhiana, District Ludhiana.
2. Learned counsel contends that the petitioner has been in custody for 3 months. The alleged recovery effected from him is non-commercial, it being 5 grams of heroin. There is violation of mandatory provisions of Section 42 of NDPS Act. No independent witness has been joined at the time of recovery. Challan has been presented on 16.03.2026, charges have not been framed and in all there are 10 PWs. He is involved in four more cases, three of which are non-commercial quantity of contraband and in all he is on bail. Reliance is placed on the judgment passed by Hon'ble The Supreme Court titled as **Maulana Mohd. Amir Rashadi vs. State of**

U.P. and others, 2012(2) SCC 382.

3. Learned State counsel opposes the bail on the ground that the non-commercial quantity of contraband has been recovered from the petitioner, who was apprehended at the spot and habitual offender. However, he is unable to controvert the submissions with regard to custody, stage and petitioner being on bail in other cases.

4. Heard.

5. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for last 3 months; on bail in other cases; challan stands presented on 16.03.2026, charges are yet to be framed and there are total 10 PWs, the trial is likely to take a considerable time, further incarceration of the petitioner would be violative of his right enshrined under Article 21 of the Constitution of India, the present petition is allowed.

6. The petitioner is ordered to be released on regular bail, subject to furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned, if not required in any other case and shall abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) 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.
- (v) 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.
- (vi) The petitioner shall not in any manner misuse his liberty.
- (vii) The petitioner shall furnish his address and mobile

number by way of an affidavit to the trial Court and not change the same till conclusion of trial and if for any reasons, he seeks to change either of the aforesaid, it shall be done only with prior information to the learned trial Court.

- (viii) The petitioner shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

7. It is made abundantly 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.

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

20.04.2026
ashok

Whether speaking/reasoned
Whether reportable

(AMAN CHAUDHARY)
JUDGE

: Yes/No
: Yes/No