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

CRM-M-18195-2026

Date of decision : 10.04.2026

Jagsir Singh @ Giani**....Petitioner****versus****State of Punjab****.....Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Kirat Pal Dhaliwal, Advocate
for the petitioner (through V.C.).

Mr. K.D. Sachdeva, D.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present second petition has been filed for grant of regular bail in case FIR No.357 dated 31.10.2017, under Sections 21 & 29 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station City Barnala, District Barnala.

2. Succinctly the facts of the case are that the Police party while on patrolling on 31.10.2017, received a secret information to the effect that Ajaib Khan (who is lodged in Nabha Jail) is habitual of selling heroin through Jagsir Singh @ Giani (present petitioner). It was informed that today also he would go towards Garcha Road, Barnala for supplying the heroin to the customers and if the raid is conducted, he could be arrested along with the contraband. On receiving the information, the police reached the place as disclosed in the secret information. A person as disclosed in the secret information was seen there who, on seeing the police party, tried to hide himself, however, he was apprehended by the police party. On asking, he disclosed his name to be Jagsir Singh @ Giani



(present petitioner). He was suspected to be carrying some contraband in the black plastic envelope, which he was holding in his right hand. Hence, the same was searched. On conducting the search, 30 grams of heroin along with Rs.35,000/- as drug money, was recovered from the same. He failed to produce any license regarding possession of the same and hence, the FIR was registered and he was arrested on spot. The investigation commenced. The samples taken were sent to the FSL. On receipt of FSL report, challan was presented and on framing of charges, trial commenced. The petitioner was granted bail by learned trial Court, Barnala vide order dated 11.12.2017, however, as he remained absent during trial, hence, he was declared a proclaimed offender vide order dated 19.07.2019 passed by the trial Court. Thereafter, the petitioner was again arrested in the present case on 14.08.2025. The petitioner approached the Court of Learned Judge, Special Court, Barnala praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned trial Court vide order dated 06.11.2025. Aggrieved by the same, petitioner earlier approached this Court by way of filing of CRM-M-70509-2025, which was dismissed by this Court vide order dated 22.12.2025. Hence, the petitioner is before this Court by way of filing of present second petition for grant of bail.

3. Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case. He submits that the alleged recovery of 30 grams of heroin has been effected from the personal search of the petitioner, however, there is blatant violation of mandatory provisions of Section 50 of NDPS Act, while conducting the search. He submits that the alleged recovery has been effected from a public place, however, conscious possession of the petitioner is not



proved. He submits that the petitioner was granted bail by learned trial Court, Barnala vide order dated 11.12.2017, however, as he remained absent during trial, hence, he was declared a proclaimed offender vide order dated 19.07.2019 and was again arrested in the present case on 14.08.2025. He submits that the petitioner was falsely implicated in 35 more cases, however, out of those cases, in 29 cases, he has been acquitted. He submits that even otherwise the recovery effected from the petitioner falls under the non-commercial quantity and thus, provisions of Section 37 of NDPS Act, are not attracted in the present case. He thus, submits that in the facts and circumstances of the case, the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by the counsel for the petitioner and submits that the petitioner is a habitual offender who is involved in 35 more cases. He submits that the petitioner was granted bail by ld. trial Court, however, as he remained absent during trial, he was declared a proclaimed offender and thereafter, he was again arrested in the present case on 14.08.2025. He, on instructions, has submitted that only 01 witness remains to be examined.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the alleged recovery effected from the petitioner is 30 grams of heroin which is admittedly falls under the category of non-commercial quantity and thus, provisions of Section 37 of NDPS Act, are not attracted in the present case. Though the petitioner approached this Court earlier by way of filing of CRM-M-70509-2025, however, the same was declined at that stage, as it was argued before this Court that the trial was at fag end, however, as on date the stage of the trial is same. Though



petitioner is involved in 35 more cases, however, as submitted before this Court, in 29 cases, he has been acquitted. Despite there being 35 more cases against the petitioner, this Court cannot ignore the fact that every accused has a right of speedy trial.

6. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court.

7. The Hon'ble Supreme Court in *Ashim @ Asim Kumar Haranath Bhattacharya @ Asim Harinath Bhattacharya @ Aseem Kumar Bhattacharya Vs. National Investigation Agency, 2022(1) SCC 695* has held as under:

“Deprivation of personal liberty without ensuring speedy trial is not consistent with Article 21 of the Constitution of India. While deprivation of personal liberty for some period may not be avoidable, period of deprivation pending trial/appeal cannot be unduly long. At the same time, timely delivery of justice is part of human rights and denial of speedy justice is a threat to public confidence in the administration of justice.”

8. The Hon'ble Supreme Court in a recent decision dated 03.07.2024 in '**Javed Gulam Nabi Shaikh Vs. State of Maharashtra, Criminal Appeal No. 2787 of 2024**', has held that howsoever serious a crime may be, an accused has the right to speedy trial under the Constitution of India.

9. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

10. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the

satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

11. In case the bail bonds are not furnished by the petitioner during the period of 07 days from today, then his further custody period after one week will not be counted in the present case.

10.04.2026	(RAJESH BHARDWAJ)
<i>ps-I</i>	JUDGE
Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No