

2026 PHHC 080552



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

217 CRM-M-18682-2026
Date of decision: 21st May, 2026

Jaswant Singh ...Petitioner
Versus

State of Punjab ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Raghav Soni, Advocate for the petitioner.
Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
198	06.10.2025	Chheharta, District Police Commissionerate Amritsar	21(b), 27(a) and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short ‘NDPS Act’)

2. As per the allegations, on 06.10.2025, the petitioner along with the co-accused Vishal Singh @ Shegi was apprehended on the basis of suspicion and recovery of 100 grams of heroin and drug money of Rs.1680/- was effected from the conscious possession of the present petitioner and co-accused. The petitioner and co-accused were formally arrested. They suffered disclosure statements to the effect that they used to purchase the contraband

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from Ranjit Singh who was nominated as co-accused and was subsequently arrested. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. A false recovery has been planted upon him. The rigors of Section 37 of NDPS Act are not attracted in this case as the alleged recovery is of non commercial quantity. He is not required for further investigation. The trial will take considerable time to conclude as even charges have not been framed. He has clean antecedents. Co-accused Vishal Singh @ Shegi has been extended benefit of regular bail. On parity, he too deserves to be released on bail. It is, thus, argued that the petition deserves to be allowed.

4. Status report and custody certificate have been filed. Learned Assistant Advocate General, Punjab while relying upon the status report has vehemently argued that taking into consideration the gravity of the allegations as levelled against the petitioner, he does not deserve to be extended benefit of bail. There are chances of his absconding or committing similar offences, if extended benefit of bail. Therefore, it is stressed that the petition does not deserve to be allowed.

5. This Court has heard the rival submissions made by learned counsel for the parties at considerable length.

6. The petitioner along with the co-accused is alleged to have been found in joint possession of non commercial quantity of heroin. The allegations make out a prima facie case for commission of subject offences against him. However, he has been in custody since 06.10.2025. The investigation stands

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concluded. The chances of conclusion of trial in near future are bleak. The further incarceration of the petitioner will not serve any fruitful purpose. Similarly situated co-accused has been extended benefit of regular bail. It is well settled proposition of law that bail is the rule and jail is an exception. Pre trial incarceration of an accused should not be a replica of post conviction sentencing. The detention prior to trial should not become punitive. Accordingly, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

7. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.
8. Since the main petition has already been disposed of, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

21st May, 2026
Parveen Sharma

1. Whether speaking/ reasoned : Yes / No
2. Whether reportable : Yes / No