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

**CRM-M No.19076 of 2026
Date of Decision: 30.04.2026**

Jaj Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Raghav Soni, Advocate
for the petitioner.

Mr. Kuljinder Dhindsa, AAG, Punjab.

RAJESH BHARDWAJ, J.

1. Present second petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.106, dated 04.06.2025, under Sections 21, 21-C, 29, 61, 85 of NDPS Act, registered at Police Station Chheharta, District Amritsar.

2. Succinctly, the facts of the case are that the police party while on patrolling on 04.06.2025, received a secret information to the effect that Harjit Singh and Jasbir Kaur were jointly doing the business of selling heroin in large quantity. It was informed that they were standing outside their house and waiting for their customers for selling the heroin and in case of raid, they could be apprehended along with the contraband.

On receiving the secret information, the raiding party was constituted and



reached the place as disclosed in the secret information. The persons, as disclosed in the secret information were seen standing there, however, on suspicion, both were apprehended by the police party. On asking, they disclosed their names to be Harjit Singh and Jasbir Kaur. They were suspected to be carrying some contraband and thus, their search was conducted. On conducting their search, 1 Kg 5 grams of heroin was recovered. They failed to produce any licence regarding the conscious possession of the same, thus, the FIR was registered and both were arrested on the spot. On registration of the FIR, the investigation commenced. During the investigation, complicity of the petitioner surfaced and thus, he was arrayed as an accused in the present case. Resultantly, the petitioner was arrested on 04.06.2025. On completion of the investigation, the challan was presented and on framing of charges, the trial commenced. The petitioner approached the Court of learned Judge, Special Court, Amritsar praying for the grant of regular bail. However, after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Amritsar declined the bail application filed by the petitioner vide order dated 29.09.2025. Being aggrieved, the petitioner earlier approached this Court praying for the grant of regular bail by way of filing CRM-M-60582-2025, however, the same was dismissed as not pressed vide order dated 25.02.2026. Hence being aggrieved, the petitioner is again before this Court praying for the grant of regular bail by way of filing the present second petition.



3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. He has submitted that the petitioner is behind bars from last more than 10 months, however, there is no material progress in the trial. He has submitted that neither the petitioner is named in the FIR nor any recovery has been effected from him, however, he has been implicated in the present case on the basis of disclosure statement of co-accused, which is not even an admissible evidence. He has submitted that even otherwise there is a violation of mandatory provisions of Sections 42 & 50 of NDPS Act. He, however, has submitted that the alleged recovery of 1 Kg 5 grams of heroin has been effected in the present case from the co-accused and not from the petitioner. To buttress his arguments, learned counsel for the petitioner has submitted that the petitioner has no criminal antecedents as he has never been involved in any other case. He has submitted that in the facts and circumstances, the petitioner deserves to be granted regular bail.

4. *Per contra*, learned counsel for the State, however, has vehemently opposed the submissions made by learned counsel for the petitioner. He has submitted that complicity of the petitioner has been prima facie established during the investigation on the basis of disclosure statement of co-accused as he was the purchaser of the contraband. He has submitted that on due compliance of provisions of NDPS Act, the recovery has been effected in the present case from the co-accused. He has submitted that the contraband, i.e. 1 Kg 5 grams of heroin recovered



in the present case from the co-accused falls under the category of commercial quantity and thus, the provisions of Section 37 of NDPS Act are attracted. He, on instructions, has submitted that the investigation is complete and the challan already stands presented, however, the charges are yet to be framed. He has produced custody certificate of the petitioner today in the Court, which is taken on record. He has further submitted that no case for the grant of bail to the petitioner is made out and thus, the present petition deserves to be dismissed. He has produced custody certificate of the petitioner today in the Court, which is taken on record.

5. Heard.

6. Perusal of the record would show that when this Court was not inclined to grant the concession of regular bail to the petitioner, his first bail petition bearing CRM-M No.60582 of 2025 was dismissed as not pressed vide order dated 25.02.2026. Hence, this is the second petition praying for the grant of regular bail, however, there is no change in the circumstances.

7. After hearing learned counsel for the parties and perusing the record, it is deciphered that complicity of the petitioner in the present case has been *prima facie* established during the investigation on the basis of disclosure statement of co-accused as he was the purchaser of the contraband. The recovery effected in the present case from the co-accused weighing 1 Kg 5 grams of heroin falls under the category of commercial quantity. The allegations made against the petitioner are that

he was the purchaser of the contraband recovered from the co-accused and further sell it further, which are serious in nature.

8. Keeping in view the above said position, this Court does not find any ground to release the petitioner on bail at this stage. Hence, the present second petition is hereby dismissed.

9. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

30.04.2026

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(RAJESH BHARDWAJ)

JUDGE