



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

215

CRM-M-19469-2026
Decided on : 17.04.2026

Jaideep Singh . . . Petitioner(s)
Versus
State of Punjab . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Abhaysher Singh, Advocate
for the petitioner(s).

Mr. Jasdeep Singh, Addl. AG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed here-under:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Jaideep Singh	145	06.06.2025	21(c) of NDPS Act, 1985 [later on added Section 29 of NDPS Act]	Sadar Fazilka	Fazilka

2. As per allegations, when two boys, i.e., Jaideep Singh (petitioner herein) and his co-accused – Hardeep Singh, both were together and on being intercepted by the police, were searched and from the bag-pack hanging on the back of the co-accused – Hardeep Singh, 1.33 kg. of heroin, was recovered. However, no narcotic contraband was recovered from the possession of the petitioner.

3. Learned counsel for the petitioner argues that in fact, petitioner is completely innocent person, as nothing was even recovered at the time when



search was conducted. Even there is no other instance ever found registered against the petitioner, showing his involvement in any other similar activity.

While stretching out arguments, learned counsel further submits that the issue, as to whether there was any conscious possession or knowledge, was there or not at the time, when effecting recovery from the back-pack, no definite opinion can be framed as on date, because the recovered heroin was not visible to any prudent person, as it was lying inside the bag.

Further submits that petitioner is inside the jail for more than a period of 10 months. Therefore, in the absence of any material recovery from his possession, he need not to be detained inside jail for any longer.

4. On the other hand, learned State counsel has filed the status report and custody certificate dated 16.04.2026 in Court today, which are taken on record. Office to tag the same at appropriate place.

Copies thereof have been handed over to the counsel for the petitioner.

5. Learned State counsel while vehemently opposing the prayer for bail, submits that keeping in view the nature of allegations and other circumstances, the petitioner does not deserve any leniency.

However, learned State counsel candidly admits that no recovery of any narcotic contraband has been effected from the petitioner. As per custody certificate, petitioner is not found indulged in any other similar activity under the NDPS Act. Besides, other factual assertions, as noticed here-above, have not been disputed by learned State counsel.

6. After hearing learned counsel for the parties and perusing the relevant material available on record with their able assistance, this Court finds that the recovery of 1.33 kg of heroin has admittedly been effected



from the back-pack allegedly being carried by co-accused Hardeep Singh and no recovery of any narcotic contraband has been effected from the present petitioner.

Petitioner is stated to have been accompanying the co-accused at the relevant time. Whether petitioner was in conscious possession of the recovered contraband or had prior knowledge regarding the contents of the said bag is a matter, which would be required to be established by the prosecution during the course of trial on the basis of cogent evidence.

Further, it has also not been disputed by learned State counsel that petitioner is not involved in any other similar case under the NDPS Act. Petitioner is inside the jail for a period of more than 10 months. Nothing has been brought to the notice of this Court to suggest that the trial is likely to conclude in the near future.

7. Without commenting on the merits of the case; considering the absence of recovery from the petitioner; question of conscious possession being a matter for trial; clean antecedents of the petitioner; and the period of custody already undergone by him, this Court is of the considered opinion that further incarceration of the petitioner is not warranted at this stage.

Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

8. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.



9. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

10. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

11. Petition stands **disposed of**.

Misc. application(s), if any, also stand disposed of.

(SANJAY VASHISTH)
JUDGE

April 17, 2026

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*