



CRM-M-32831-20251

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-32831-2025
Decided on : 05.02.2026

JAGGA.....Petitioner
Versus
STATE OF HARYANA.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Ranjeet Singh, Advocate, and
Mr. Davinder Singh, Advocate,
for the petitioner.

Mr. Pawan Kumar Jhanda, Sr. DAG, Haryana.

SANJAY VASHISTH, J.

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 hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Jagga, aged about 24 years	138	10.04.2025	21 of NDPS Act	Pinjore	Panchkula

2. Learned counsel for the petitioner submits that in the present case, 10.99 grams of heroin were recovered from the possession of the petitioner. The quantity recovered is significantly less than the threshold of 250 grams constituting a commercial quantity under the NDPS Act, and thus, falls within the category of an intermediate quantity.



It is further submitted that petitioner is in custody since 10.04.2025, i.e., for a period of approximately nine months.

3. With regard to the stage of the trial, learned counsel submits that charges in the present case are yet to be framed and trial has not commenced. Consequently, there appears to be no likelihood of conclusion of the trial in the near future. Thus, counsel prays that petitioner be granted the concession of regular bail in the present case.

4. On the other hand, while clarifying the position expressed in the order dated 03.11.2025, learned State counsel, produces the custody certificate dated 03.02.2026 in Court today, which is taken on record. Office to tag the same at appropriate place. A copy thereof has been handed over to the counsel for the petitioner.

As per the custody certificate, in the present case, petitioner has already undergone 09 months and 19 days period inside jail.

5. From the custody certificate, it is observed that on 03.04.2025, petitioner was released on five weeks' parole after being convicted and sentenced to 12 years' imprisonment, in case, FIR No.01 dated 02.01.2022 under Section 22 of the NDPS Act, registered at Police Station Sadar Ferozepur, Ferozepur. However, during the period of parole, petitioner was again apprehended in the present case, wherein 10.99 grams of heroin were allegedly recovered from his possession.

6. At this stage, learned counsel for the petitioner submits that recovery in the present case is, in fact, false and has been planted, purportedly to defeat the purpose of the petitioner's parole. Considering the total period of incarceration and the fact that quantity recovered is



less than the commercial quantity, learned counsel prays for grant of regular bail to the petitioner in the present case.

7. This Court has heard the submissions made by counsel for the parties and has perused the record available on file.

8. In view of the totality of circumstances and the facts and allegations against the petitioner, particularly the fact that petitioner has already undergone incarceration for a period of 9 months and 19 days in the present case and trial is yet to commence following framing of charges, along with the other factors noticed here above, this Court deems appropriate to grant the concession of bail to the petitioner in the present case.

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.

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

10. Any of the discussion done and recorded here above, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible, in accordance with law.



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11. 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.

12. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

05.02.2026
Lavisha

Whether Speaking/Reasoned: YES/~~NO~~
Whether Reportable: ~~YES~~/NO