

CRM-M-33891-2025

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-33891-2025
Decided on :10.02.2026

Jasbir Singh @ Bholu

Versus

State of Punjab

... Petitioner

... Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Amit Arora, Advocate for the petitioner.

Mr. Vinay Malhotra, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed by petitioner-Jasbir Singh @ Bholu aged about 35 years 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
Jasbir Singh @ Bholu, aged 35 years	92	07.09.2024	21(c) of NDPS Act, 1985	Khem Karan	Tarn Taran

2. As per the case of the prosecution, one plastic bottle containing certain material was recovered, from the possession of petitioner, upon weighing, the bottle was found to be of 559 grams, thereupon, the material within was weighed separately and found to be 525 grams of Heroin.

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3. Learned counsel for the petitioner argues that, petitioner has been falsely implicated in the present case and has no prior history of involvement in any other similar activity. Out of a total 10 prosecution witnesses, only 5 have been examined. Furthermore, petitioner has already suffered sufficient incarceration inside the jail for a period of more than 1 year and 4 months. Therefore, culmination of trial would likely to take considerable time. He also alleges that, there is complete non-compliance of Section 42 of the NDPS Act, arguing that while offer of search was being made, the Gazetted Officer acted alongside the Magistrate. As per settled law, a Gazetted Officer is not expected to personally offer to conduct the search. Thus, on the basis of aforementioned grounds, prays for grant of regular bail.

4. On the other hand, learned State counsel, while opposing the prayer and submissions made by learned counsel for the petitioner, submits that, FSL report, confirms the substance recovered from the bottle to be Diacetylmorphine (Heroin) was confirmed. However, he does not dispute the other aspects such as examination of only 5 witnesses out of total 10 witnesses till date and the fact that petitioner is inside the jail since 07.09.2024. Furthermore, he is unable to point out from the status report to conclude that, petitioner who is the age of 35 years, has ever been found involved in any other similar activity.

5. Heard learned counsel for the parties.

6. Considering the submissions and the viewpoint of this Court, as has already been taken in several other cases i.e. accused person

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getting involved for the first time should be given a chance to rehabilitate himself by taking recourse to reformation and reintegration into society. Moreover, the trial is not proceeding at the required pace, and petitioner is inside jail since 07.09.2024, this Court deems it appropriate to grant the concession of bail to the petitioner.

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.

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

8. The observation made hereinabove 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.

9. It is further made clear that if, in future, the petitioner is found to be directly involved in similar activities, the prosecution would be at liberty to seek cancellation of bail.

10. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

10.02.2026
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Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No