



CRM-M-36446-2025

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARHCRM-M-36446-2025
Decided on : 13.01.2026

Jagsir Singh alias Jaggu

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Ms. Nikita Garg, Advocate for
Mr. M.K. Dhot, Advocate
for the petitioner.

Mr. Jasdeep Singh Gill, Addl. A.G., Punjab

SANJAY VASHISTH, J. (ORAL)

1. Petitioner- Jagsir singh alias Jaggu aged 21 years has filed instant petition under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), seeking regular bail in case FIR No. 156, dated 17.10.2024, registered under Sections 21(c) of the NDPS Act (Section 29 of NDPS Act added later on) at Police Station Special Task Force, SAS Nagar (Mohali).

2. Learned counsel for the petitioner submits that, as per the case of the prosecution, Hamir Khan @ Jajj, along with another accused – Jagsir Singh @ Jaggu, was riding a Splendor motorcycle bearing registration No. PB03-BC-3021. When the police patrolling party stopped the motorcycle, the driver disclosed his name as Hamir Khan @ Jajj, while the pillion rider identified himself as Jagsir Singh @ Jaggu. A black coloured polythene bag was found hanging on the right handle of the motorcycle and, on its search, the police team allegedly recovered 277.97 grams of heroin.



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3. Learned counsel argues that the petitioner has nothing to do with the contraband. Even if the prosecution version is accepted as it is, the question whether the petitioner was in conscious possession or not, of the contraband, found inside the black polythene bag, is a matter for trial. There is no material to suggest that the petitioner had prior knowledge of the contents of the bag merely because he was riding pillion on the motorcycle.

4. It is further submitted that the contraband was concealed in a black coloured polythene bag, and it cannot be presumed that the petitioner was aware of what it contained. The petitioner has been in custody since 17.10.2024 and is not involved in any other case under the NDPS Act. Out of the total 16 prosecution witnesses, only three PWs have been examined so far. In these circumstances, prayer is made for grant of regular bail.

5. On the other hand, learned State counsel has vehemently opposed the prayer for bail. It is submitted that although the petitioner is not found involved in any other case of similar nature, yet keeping in view the serious nature of allegations, he does not deserve concession of bail. Learned State counsel, however, does not dispute the factual assertions made by learned counsel for the petitioner.

6. Having heard learned counsel for the parties and on perusal of the record, this Court notices that the recovery of 277.97 grams of heroin falls above the notified threshold of 250 grams prescribed for 'commercial quantity' under the NDPS Act, 1985. Thus, the rigours of Section 37 of the Act would be attracted. However, it is also a matter of record that there are 16 prosecution witnesses, only three have been examined till date, therefore, conclusion of trial still would take



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considerable time. Petitioner is about 21 years of age and is a first-time offender, and has already undergone substantial incarceration.

In these circumstances, further detention of the petitioner for an indefinite period is not warranted. This Court is inclined to afford him an opportunity to reform and reintegrate into society, instead of prolonging his custody, particularly when the trial is unlikely to conclude soon. Accordingly, this Court deems it appropriate to grant the concession of regular bail to the petitioner.

7. 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. While parting with the order, it is necessary to observe that in the bail order dated 23.09.2025 passed in CRM-M-18538-2025, whereby co-accused Hamir Khan alias Jajj was ordered to be released on bail, inadvertently in para No. 2, it was noticed that the person who was driving the motorcycle was namely Jagsir Singh @ Jaggu, and Hamir Khan @ Jajj was the pillion rider. The trial Court is made clear that while deciding the case at final stage, it would ignore the



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recording of incorrect fact in the bail order dated 23.09.2025 and would decide the same according to the evidence, which is available on record before it.

12. Petition stands **disposed of**.

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

January 13, 2026

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(SANJAY VASHISTH)
JUDGE

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