



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

238+110

CRM-M-54672-2025 (O&M)

Decided on : 27.01.2026

Jasdev Singh alias Jassa

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

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

Mr. Jasdeep Singh, Addl. AG, Punjab.

SANJAY VASHISTH, J. (Oral)**CRM-50153-2025**

I. By way of the present application filed u/s 528 of BNSS, 2023, applicant-petitioner is seeking amendment in the head note and prayer clause in the main case, i.e., CRM-M-54672-2025, whereby, inadvertently **Section 25 of NDPS Act, 1985 and Sections 111, 132, 221, 117(2) of BNS, 2023 (which have been added later on)**, have not mentioned in the petition, **as the same were added later on.**

II. Notice of this application.

III. At this stage, learned State counsel, who is present in Court, accept notice on behalf of the non-applicant/respondent - State and pleads no objection to the prayer made in the application.

IV. In view of the averments made in the application, prayer made therein is **allowed**. Office is directed to carry out necessary corrections/amendments in the head note as well as in the prayer clause of the main petition.



V. CRM stands **disposed of** accordingly.

Learned counsel for the applicant-petitioner is also directed to supply a copy of the amended/corrected head note and prayer clause in the Registry, without the need of filing any separate application for this purpose.

CRM-M-54672-2025

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
Jasdev Singh alias Jassa	147	14.08.2025	21, 27(a) of NDPS Act, 1985 [S. 25 of NDPS Act and S. 111, 132, 221, 117(2) of BNS, 2023, added later on]	Machhiwara, Police District Khanna	Ludhiana

2. As per the case of the prosecution, the petitioner was travelling in a Scorpio car bearing registration No. PB18-AA-3703. Upon interception by the police on 14.08.2025, a recovery of 21.90 grams of heroin along with currency notes amounting to Rs.4,100/- was allegedly effected from his possession.

3. Learned counsel for the petitioner contends that since the date of his arrest, the petitioner has remained in judicial custody. It is further argued that a false case has been planted against him. The quantity of contraband allegedly recovered is much below the threshold of commercial quantity, i.e., 250 grams, and therefore falls within the category of non-commercial/intermediate quantity.

4. With regard to other criminal cases registered against the petitioner, learned counsel has drawn attention to the detailed table placed on



record in CRM-50152-2025, seeking pre-ponement of the hearing. For ready reference, the details of those cases along with their present status are reproduced here-under:-

Sr. No.	Particulars	Status
1.	FIR No. 105 dated 24.05.2015, u/s 15 NDPS Act, PS Machhiwara	Convicted vide judgment dated 21.05.2018 to undergo RI for 1 month with fine of Rs.3000/- in default further RI for 15 days. (Already undergone). Copy of the judgment dated 21.05.2018 is attached herewith as Annexure P/5 .
2.	FIR No. 51 dated 03.04.2017, u/s 15, 18, 61, 85 of the NDPS Act, PS Machhiwara	Acquitted vide judgment dated 23.03.2023 by the Ld. Addl. Sessions Judge, Ludhiana. Copy of the judgment dated 23.03.2023 is attached herewith as Annexure P/6 .
3.	FIR No. 60 dated 06.04.2017, u/s 25/54/59 of Arms Act, PS Machhiwara	Acquitted vide judgment dated 18.03.2019 by the Ld. JMIC, Samrala. Copy of the judgment dated 18.03.2019 is attached herewith as Annexure P/7 .
4.	FIR No.141 dated 21.08.2022, u/s 15, 29, 61, 85 of NDPS Act, PS Machhiwara	Acquitted vide judgment dated 07.02.2025 by the Ld. JMIC, Samrala. Copy of the judgment dated 07.02.2025 is attached herewith as Annexure P/7 .
5.	FIR No.101 dated 19.06.2023, u/s 27A NDPS Act, PS Machhiwara	No recovery has been effected from the petitioner and has been granted Bail vide order dated 09.10.2023 by Ld. Judge, Special Court, Ludhiana. Copy of the order dated 09.10.2023 is attached herewith as Annexure P/9 .
6.	FIR No.49 dated 05.04.2025, u/s 21, 29 of NDPS Act, PS Machhiwara	No recovery has been effected from the petitioner and his name has been nominated on the basis of the disclosure statement of co-accused namely, Sukhdeep Singh @ Soni, from whom 05 gram of Heroin (Small Quantity) is alleged to have been recovered and the petitioner has been granted the concession of anticipatory bail by this Hon'ble Court



		<i>and later on confirmed vide order dated 18.08.2025. Copy of the order dated 18.08.2025 is attached herewith as Annexure P/10.</i>
7.	<i>FIR No.69 dated 01.01.2021, u/s 354D, 506 IPC PS Machhiwara</i>	Granted Bail vide order dated 05.03.2024 by Ld. JMIC, Samrala.
8.	<i>FIR No.207 dated 01.01.2021, u/s 294, 341, 323, 354, 354A, 34 IPC, PS Machhiwara</i>	Granted Bail vide order dated 16.09.2023 by Ld. Addl. Sessions Judge, Ludhiana
9.	<i>FIR No.53 dated 05.02.2023, u/s 52A(1) Prison Act, PS Division No.7, Ldh.</i>	On Bail.

5. Learned counsel for the petitioner further submits that except for one conviction, wherein the petitioner was sentenced to undergo one month of imprisonment which already stands undergone, there is no other conviction recorded against him. In the remaining cases, the petitioner has either been acquitted or granted bail, including cases where no recovery was effected from his possession. It is, therefore, contended that the petitioner has been falsely implicated in the present case. Thus, learned counsel submits that keeping in view his continued incarceration for about 05 months and 07 days and the fact that the trial is not likely to conclude in the near future, petitioner deserves the concession of regular bail.

6. On the other hand, learned State counsel has filed the custody certificate dated 25.01.2026in 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.

7. I have heard learned counsel for the parties and perused the material available on record with their able assistance.

8. At the outset, it is not disputed that the recovery effected from



the petitioner is of 21.90 grams of heroin, which is much below the notified commercial quantity under the NDPS Act and squarely falls in the category of non-commercial/intermediate quantity. It is also an admitted position that the petitioner has been in custody since the date of his arrest, i.e., 14.08.2025, and has already undergone incarceration for a period of about 05 months and 07 days.

9. So far as the antecedents of the petitioner are concerned, the record placed before this Court shows that except for one conviction in FIR No.105 dated 24.05.2015, wherein sentence awarded was only one month and which already stands undergone, petitioner has either been acquitted in the remaining cases or has been granted bail, including anticipatory bail, in matters where no recovery was effected from his possession. Mere involvement in multiple cases, without subsisting convictions, cannot by itself be a decisive ground to deny the concession of bail, particularly when the nature of recovery in the present case is non-commercial.

10. It is also evident that the trial in the present case is not likely to conclude in the near future. Continued incarceration of the petitioner for an indefinite period, when the quantity involved is below the commercial threshold and the petitioner is already facing trial, would not serve any useful purpose. The question as to whether the recovery was planted or whether the prosecution version inspires confidence is a matter to be adjudicated by the trial Court on the basis of evidence led before it.

11. Considering the totality of circumstances, including the nature and quantity of contraband allegedly recovered, the period of custody already undergone by the petitioner, the status of his antecedents as reflected from the record, and without commenting on the merits of the case, this



Court deems it appropriate to extend the concession of regular 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.

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

13. 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.

14. 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.

15. Petition stands **disposed of**.

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

(SANJAY VASHISTH)
JUDGE

January 27, 2026

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No