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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-57999-2025

Date of decision :07.03.2026

Jaswinder Singh @ Jassa

....Petitioner

versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Brijesh Nandan, Advocate
for the petitioner.

Mr. K.D. Sachdeva, D.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present third petition has been filed for grant of regular bail in case FIR No.96 dated 30.06.2024, under Section 22(B) of Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 31 of NDPS Act, added lateron), registered at Police Station Shahkot, District Jalandhar (Rural).

2. Succinctly the facts of the case are that the Police party while on patrolling on 30.06.2024, saw a young person coming on foot, who on seeing the police got perplexed. On suspicion, he was apprehended by the police party. On asking, he disclosed his name to be Jaswinder Singh @ Jassa (present petitioner). He was suspected to be carrying some contraband and thus, his search was conducted. On conducting his personal search, a transparent polythene was recovered from the right pocket of his trouser from which 215 loose intoxicating tablets were recovered. He failed to produce any license regarding possession of the same and hence, the FIR was registered and he was arrested on spot. The investigation commenced. The samples taken were sent to the FSL. On



trial commenced. The petitioner approached the Learned Judge, Special Court, Jalandhar praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned trial Court, Jalandhar vide order dated 29.08.2024. Aggrieved by the same, petitioner earlier approached twice this Court by way of filing of CRM-M-63717-2024 and CRM-M-28445-2025, which were declined by this Court vide orders dated 03.03.2025 and 27.05.2025, respectively. Hence, the petitioner is before this Court by way of filing of present third petition for grant of bail.

3. Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case. He submits that the alleged recovery has been effected from a public place, however, no independent witness was joined by the investigating agency. He submits that admittedly the recovery has been effected from the personal search of the petitioner but the same is in gross violation of provisions of Section 50 of NDPS Act. He submits that the petitioner has been falsely implicated in 05 other cases, however, he is on bail in those cases. He submits that his custody in other cases was sought on the production warrant and thus, it is apparent that the cases were falsely planted upon the petitioner. He submits that the petitioner is behind bars from last 1 ½ years, however, there is no progress material in the trial and thus, his right of speedy trial is defeated. He thus, submits that in the facts and circumstances of the case, the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by the counsel for the petitioner and submits that the alleged recovery from the personal search of the petitioner is of 215 loose intoxicating tablets containing Etizolam and the same was weighing



22.790 grams, which falls under the category of commercial quantity and thus, provisions of Section 37 of NDPS Act, are attracted in the present case. He submits that the petitioner is involved in other cases as well. He, on instructions, has submitted that out of total 12 prosecution witnesses, none has been examined so far. He has produced the custody certificate of the petitioner on record.

5. After hearing counsel for the parties and perusing the record, it is deciphered that as per the case of the prosecution the alleged recovery of 22.790 grams of Etizolam, has been effected from from the personal search of the petitioner. The recovery has been effected by the Investigating Officer only and not before any Gazetted Officer. As per custody certificate, the petitioner has suffered incarceration of 01 year, 08 months and 04 days as on 06.03.2026. Though the petitioner is involved in 08 more case, however, he has been acquitted in 01 case and in 02 cases, he is on bail. As submitted before this Court, out of total 12 prosecution witnesses, none has been examined till date.

6. In view of the facts and circumstances of the present case, this Court cannot ignore the fact that the speedy trial is the fundamental right of every accused. As held by the Hon'ble Supreme Court in **Mohd Muslim @ Hussain Vs. State (NCT of Delhi), 2023 LiveLaw(SC)260**, this Court is of the opinion that the case of the petitioner is covered by the ratio of law laid down by the Hon'ble Supreme Court. In the abovesaid case Hon'ble Supreme Court expressed its views as under:-

19. A plain and literal interpretation of the conditions under Section 37 (i.e., that Court should be satisfied that the accused is not guilty and would not commit any offence) would effectively exclude grant of bail altogether, resulting in punitive detention and unsanctioned preventive detention as well. Therefore, the only



manner in which such special conditions as enacted under Section 37 can be considered within constitutional parameters is where the court is reasonably satisfied on a prima facie look at the material on record (whenever the bail application is made) that the accused is not guilty. Any other interpretation, would result in complete denial of the bail to a person accused of offences such as those enacted under Section 37 of the NDPS Act.

20. xxxxx

21.it would be important to reflect that laws which impose stringent conditions for grant of bail, may be necessary in public interest; yet, if trials are not concluded in time, the injustice wrecked on the individual is immeasurable.

22. xxxxx

23. *There is a further danger of the prisoner turning to crime, "as crime not only turns admirable, but the more professional the crime, more honour is paid to the criminal"²² (also see Donald Clemmer's 'The Prison Community' published in 1940²³). Incarceration has further deleterious effects - where the accused belongs to the weakest economic strata: immediate loss of livelihood, and in several cases, scattering of families as well as loss of family bonds and alienation from society. The courts therefore, have to be sensitive to these aspects (because in the event of an acquittal, the loss to the accused is irreparable), and ensure that trials – especially in cases, where special laws enact stringent provisions, are taken up and concluded speedily.*

7. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

8. Accordingly, the present petition is allowed and the petitioner

satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

9. In case the bail bonds are not furnished by the petitioner during the period of 07 days from today, then his further custody period after one week will not be counted in the present case.

07.03.2026		(RAJESH BHARDWAJ)
<i>ps-I</i>		JUDGE
	Whether speaking/reasoned	: Yes/No
	Whether reportable	: Yes/No