



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

CRM-M-58139-2025

Date of decision: 12.02.2026

JASWANT KUMAR ALIAS SATTU

...PETITIONER

V/S

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Ms. Raj Kaur, Advocate and
Mr. Madhav Bansal, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

SUBHAS MEHLA, J. (ORAL)

1. By way of the present petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioner is seeking regular bail in case bearing FIR No.003 dated 03.01.2023 registered under Sections 15 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') at Police Station Sadar Dhuri, District Sangrur.

2. Learned counsel for the petitioner contended that the case of the petitioner is on same footing with co-accused, namely, Gagandeep Singh @ Gaggi, who has been granted the concession of regular bail by a Co-ordinate Bench of this Court in case bearing **CRM-M No.39435 of 2025** vide order dated 02.08.2025; the petitioner is in custody for the last 02 years, 05 months and 08 days; nothing has been recovered from his possession; the only allegation against the petitioner is that he ran away from the truck, when the raid was conducted. As such, learned counsel prayed for grant of regular bail to the petitioner.



3. Learned State counsel produced the custody certificate of the petitioner, which is taken on record and on instructions from ASI Bhupinder Sharma, submitted that the petitioner is also involved in one more case. However, it is not disputed that the case of the petitioner is on similar footing with the co-accused, namely, Gagandeep Singh @ Gaggi, who has already been granted the concession of regular bail.

4. Heard.

5. Keeping in view the facts and circumstances of the present case, the petitioner is in custody since 03.09.2023, as per his custody certificate; co-accused, namely, Gagandeep Singh @ Gaggi, whose case is on similar footing with the petitioner, has been granted the concession of regular bail by a Co-ordinate Bench of this Court in case bearing **CRM-M No.39435 of 2025** vide order dated 02.08.2025; petitioner has clean and clear antecedents; investigation is complete and challan has been filed; trial will take sufficient time to conclude and no fruitful purpose would be served by keeping the petitioner in custody for any further period, as concession of bail cannot be denied just as a measure of punishment as culpability of accused is to be decided after appreciating evidence adduced by both the parties and it is a trite principle of criminal jurisprudence that bail is rule, jail is an exception, this Court deems it a fit case to grant the concession of regular bail to the petitioner.

6. Although the NDPS Act prescribes stringent conditions for the grant of bail, every statute is required to operate in conformity with the fundamental principles enshrined in the Constitution of India. Given that the present petitioner has suffered incarceration since 03.09.2023 i.e. for



approximately 2 years and 5 months, notwithstanding the rigours of N.D.P.S. Act, the fundamental right guaranteed under Article 21 cannot be rendered illusory and must be duly balanced.

7. The Hon'ble Apex Court in *V. Senthil Balaji v. The Deputy Director, 2024 INSC 739*, held that higher thresholds for granting bail in stringent penal statutes like the PMLA, UAPA, and NDPS Act cannot be a tool to keep an accused incarcerated without trial:

25.such statutes contain provisions laying down higher threshold for the grant of bail. The expeditious disposal of the trial is also warranted considering the higher threshold set for the grant of bail. Hence, the requirement of expeditious disposal of cases must be read into these statutes....

26. There are a series of decisions of this Court starting from the decision in the case of K.A. Najeeb², which hold that such stringent provisions for the grant of bail do not take away the power of Constitutional Courts to grant bail on the grounds of violation of Part III of the Constitution of India."

8. Hence, balancing the petitioner’s fundamental right to life and personal liberty with the stringent provisions of N.D.P.S. Act, this Court deems it appropriate to grant the concession of regular bail to the petitioner.

9. Therefore, without expressing any opinion on the merits of the case, the instant petition is **allowed**. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

February 12, 2026
manisha

(SUBHAS MEHLA)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No