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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-58383-2025 (O&M)
Decided on : 27.04.2026

Jaswant Singh . . . Petitioner(s)

Versus

State of Punjab . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

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

Mr. Neeraj Madaan, Sr. DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

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 FIR Petitioner(s)	Date	Section(s)	Police Station	District
Jaswant Singh	82	14.05.2024	S. 21 of NDPS Act, 1985 [S. 29 of NDPS Act, was added later on vide Report No.39, dated 16.05.2024]	Guruharsahai Ferozepur

2. As per allegations in the FIR, recovery of 1 kg of heroin was effected on 14.05.2024 from beneath the driver’s seat of a Mahindra Pick-up vehicle bearing registration No. PB05-AR-7531. The said vehicle was being driven by accused – Jaswant Singh (petitioner herein), and co-accused – Harmesh Singh was sitting on the conductor’s seat.

3. Learned counsel for the petitioner argues that petitioner, aged about 34 years, has no knowledge of any contraband lying beneath driver’s



seat, and thus, has been falsely implicated in the present case. Besides, the vehicle in question is owned by one Sona Singh, who has not been arrested so far. Even if the prosecution story is accepted at face value, the mere fact that the petitioner was driving the vehicle, cannot by itself establish conscious possession or prior knowledge of the contraband lying there in the car.

4. Learned counsel further submits that co-accused of the petitioner, namely, Harmesh Singh, has already been extended concession of regular bail by this Court vide order dated 13.10.2025, passed in **CRM-M-58900-2025**, titled as, *“Harmesh Singh v. State of Punjab”*. Copy of order dated 13.10.2025 produced by learned counsel is taken on record.

At this stage, on his own, learned counsel for the petitioner submits that though there is one more case under the NDPS Act against the petitioner, i.e., FIR No.104, dated 30.05.2022, under Sections 21/29/61/85 of NDPS Act, 1985 & 25/54/59 of Arms Act, 1959, registered at Police Station Sadar Fazilka, however, in that case too, petitioner has been extended the concession of regular bail by the trial Court vide order dated 16.04.2026. In support of his contention, learned counsel produces copy of order dated 16.04.2026, which is taken on record.

Besides, learned counsel submits that out of total cited 13 prosecution witnesses, 03 witnesses have been given up and thus, 10 prosecution witnesses are yet to be examined. Thus, conclusion of trial is likely to take considerable time.

Accordingly, in the given circumstances, and on the ground of parity also, prayer has been made for grant of regular bail to the petitioner.



5. On the other hand, learned State counsel, while vehemently opposing the prayer for bail, submits that the quantity of contraband recovered in the present case is commercial in nature and, therefore, the rigours of Section 37 of the NDPS Act are attracted.

Further submits that recovery of 1 kg. of heroin was effected from beneath the driver's seat of the vehicle, which was being driven by the present petitioner and, thus, at this stage, plea regarding lack of conscious possession cannot be accepted.

Learned State counsel also submits that merely because co-accused – Harmesh Singh, has been granted concession of regular bail, petitioner cannot claim parity as a matter of right, particularly when he was driving the vehicle from which the recovery was effected. It is also submitted that the petitioner is involved in another case under the NDPS Act, which reflects his antecedents.

However, learned State counsel does not dispute the factual position noticed here-above, particularly grant of regular bail to co-accused – Harmesh Singh, and also the fact that in the other NDPS case referred to by learned counsel for the petitioner, he has already been granted concession of regular bail.

6. I have considered the rival submissions advanced by learned counsel for the parties and gone through the record.

7. It is admitted position that recovery in the present case has been effected from beneath the driver's seat of the vehicle, which was being driven by the petitioner. However, question as to whether the petitioner was in conscious possession of the contraband and had prior knowledge thereof,



would be a matter to be adjudicated upon by learned trial Court after appreciation of the evidence led by the parties.

It is further a matter of record that co-accused – Harmesh Singh, who was travelling in the same vehicle and was sitting on the conductor's seat at the relevant time, has already been granted concession of regular bail by this Court. Thus, case of the present petitioner deserves consideration on the ground of parity as well.

Besides, it has also come on record that out of total cited 13 prosecution witnesses, 03 witnesses have already been given up and the remaining prosecution witnesses are yet to be examined. Therefore, conclusion of trial is likely to take considerable time.

So far as the involvement of the petitioner in another case under the NDPS Act is concerned, it is not disputed that in the said case also, petitioner has already been granted concession of regular bail.

8. Keeping in view the age of the petitioner, who is stated to be about 34 years, and considering the overall facts and circumstances of the case, this Court finds it appropriate to afford one more opportunity to the petitioner to join the normal course of life and to rehabilitate himself in society.

Thus, in view the principle of parity; stage of trial; and without expressing any opinion on the merits of the case, this Court is of the considered view that the rigours of Section 37 of the NDPS Act stand satisfied to a limited extent for the purpose of grant of bail. Accordingly, this Court deems it appropriate to grant 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.

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

10. 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.

11. 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.

12. Petition stands **disposed of**.

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

(SANJAY VASHISTH)
JUDGE

April 27, 2026

reena/J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No