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CRM-M-61235-2025 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(237)

CRM-M-61235-2025 (O&M)
Date of decision : 15.01.2026

JASWINDER SINGH @ JASS

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Rakesh Kumar, Advocate for the petitioner

Mr. Roshandeep Singh, AAG, Punjab

MANISHA BATRA, J. (ORAL)

1. The present petition is the second petition preferred by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking grant of regular bail in case arising out of FIR No.0092 dated 13.04.2020 registered under Section 21 of the Narcotics Drugs and Psychotropic Substances Act at Police Station Sultanpur Lodhi, District Kapurthala on the allegations that he was apprehended with conscious possession of 260 gram of heroin. He was extended benefit of bail vide order dated 20.07.2020 as passed by this Court in CRM-M-16305-2020. He had absented himself subsequently and was declared proclaimed offender on 28.02.2025. His bail was cancelled and bonds were forfeited. He surrendered on 05.03.2025 and is in custody since then.

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2. It is argued by learned counsel for the petitioner that his absence during the aforementioned period was not intentional but due to some medical emergency in his family. He himself surrendered before the trial Court. He is ready to abide by the terms and conditions imposed upon him. The trial will take considerable time to conclude, since not even a single witness has been examined so far. His continued detention would not serve any useful purpose. It is, therefore, urged that he deserves to be released on bail.

3. Status report and custody certificate have been filed. Learned State counsel has argued that the petitioner had absconded after being extended benefit of bail. There are chances of his absconding again, if extended benefit of bail. It is, therefore, stressed that the petition does not deserves to be allowed.

4. This Court has heard the rival submissions made by the counsel for the parties at considerable length.

5. The petitioner was previously extended benefit of regular bail. He absented himself. Proceedings under Section 82 of Cr.P.C. were initiated against him and he was declared as proclaimed person on 28.02.2025. Now he is in custody since 05.03.2025. The trial will obviously take considerable time to conclude since no prosecution witness has been examined. He has clean antecedents. It is well settled proposition of law that bail is the rule and jail is an exception. Even otherwise pre-trial incarceration should not be a replica of post-conviction sentencing. Taking into consideration, the above discussed facts but without meaning to make any comments on the merits of the

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case lest the same prejudice either of the parties, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal and surety bonds to the extent of two sureties to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned and on the following conditions:-

- (i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case in any manner whatsoever.
- (ii) The petitioner shall not leave the country under any circumstance without permission of the learned trial Court.
- (iii) The petitioner shall appear before each and every date of hearing.
- (iv) The petitioner shall provide his address where he would be residing after release and shall not change the same without informing the concerned IO/SHO.
- (v) The petitioner shall upon his release give his mobile phone number to concerned IO/SHO and shall keep his mobile phone switched on all times.
- (vi) The petitioner shall surrender his passport, if any, furnish details of his cell phone and Aadhaar card, and shall not change his mobile number(s) during the pendency of the trial.



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6. In the event of there being any FIR/complaint lodged against the petitioner, it shall be open to the respondent to seek redressal by filing an application seeking cancellation of bail.

7. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

(MANISHA BATRA)
JUDGE

15.01.2026
Amit Sharma

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No