



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.66988 of 2025 (O&M)

Date of Decision: 19.02.2026

Jatinder Singh

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. Davinder Singh Saini, Advocate for the petitioner.

Mr. Eklavya Darshi, DAG, Punjab.

SURYA PARTAP SINGH, J. (Oral):

This petition, under Section 483 of the Bharatiya Nagarik Suraksha Sanhita 2023, is the first petition, filed by the petitioner for grant of bail. The above mentioned petition pertains to a case arising out of FIR No.192 dated 12.06.2025, under Sections 21-29-61-85 of Narcotic Drugs & Psychotropic Substances Act, 1985, hereinafter being referred to as 'NDPS Act', and Sections 303(2), 317(2), 341(2) of BNS, Police Station Sadar Kharar, District SAS Nagar.

2. Briefly stating the facts emerging from record are that the FIR of this case came into being when on the basis of a tip-off, given by an informer with regard to petitioner and his co-accused allegedly carrying contraband on a motorcycle, an information memo was sent by ASI Gurdeep Singh to Police Station, and thereafter, the motorcycle of petitioner was intercepted. As per prosecution, on the above mentioned motorcycle, bearing registration No. PB-12W-1422, three persons, namely Jagmohan Singh, Satnam Singh and Jatinder



Singh (petitioner herein) were riding and on search 18 grams of Heroin was recovered from the above mentioned motorcycle.

3. Notice of motion.

4. Since advance notice has already been served, Mr. Eklavya Darshi, DAG, Punjab, appears on behalf of respondent-State. Hence, service of notice upon the State is hereby dispensed with.

5. The learned State Counsel has filed custody certificate of the petitioner. The same be taken on record. No formal reply has been filed by the State. However, the learned State counsel has orally opposed the present petition.

6. Heard.

7. It has been contended on behalf of petitioner that the petitioner is innocent having no nexus, whatsoever, with the commission of crime, and that he has been falsely implicated in the present case. According to learned counsel for the petitioner the quantity of recovered contraband i.e. 18 grams heroin, is little above the highest threshold meant for small quantity and only a fraction of lower limit of commercial quantity. As per learned counsel for the petitioner, the petitioner has already suffered a long incarceration for being in custody for a period of 7 months & 17 days (including remission). The learned counsel for the petitioner has further contended that the petitioner has no criminal antecedents, and that nothing is left to be recovered from the possession of petitioner.

8. Per contra, the learned State counsel has argued that the petitioner has been found in possession of large quantity of narcotic substance and that



instant case is a case wherein even on the ground of long incarceration the petitioner cannot claim the violation of his fundamental rights of life and liberty.

9. The record has been perused carefully.

10. A perusal of the record shows that following are the relevant factors which are required to be taken into consideration for the purpose of decision in the present petition:-

- i) that petitioner is already in custody for a period of 7 months and 17 days (including remission);
- ii) that the quantity of contraband recovered from the motorcycle, on which petitioner was travelling, is far below the lowest limit meant for commercial quantity;
- iii) that the trial is not likely to be concluded in near future;
- iv) that nothing is left to be recovered from the possession of the petitioner;
- v) that detention of petitioner in judicial lock-up is not likely to serve any purpose;
- vi) that there is nothing on record to show that if released on bail, the petitioner may tamper with the evidence or influence the witnesses;
- vii) that there is nothing on record to show that if released on bail, the petitioner will not co-operate/participate in the trial.

11. In the present case, the principles of law laid down by the Hon'ble



Supreme Court in the case of ‘Dataram versus State of Uttar Pradesh and another’, (2018) 3 SCC 22, are relevant, wherein it has been observed that “a fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. However, there are instances in our criminal law where a reverse onus has been placed on an accused with regard to some specific offences but that is another matter and does not detract from the fundamental postulate in respect of other offences. Yet another important facet of our criminal jurisprudence is that the grant of bail is the general rule and putting a person in jail or in a prison or in a correction home (whichever expression one may wish to use) is an exception. Unfortunately, some of these basic principles appear to have been lost sight of with the result that more and more persons are being incarcerated and for longer periods. This does not do any good to our criminal jurisprudence or to our society. There is no doubt that the grant or denial of bail is entirely the discretion of the judge considering a case but even so, the exercise of judicial discretion has been circumscribed by a large number of decisions rendered by this Court and by every High Court in the country. Yet, occasionally there is a necessity to introspect whether denying bail to an accused person is the right thing to do on the facts and in the circumstances of a case”.

12. The principles laid down by the Hon’ble the Supreme Court of India in the case of ‘Satender Kumar Antil v. Central Bureau of Investigation’ (2022) 10 SCC 51 are also relevant in this case. In the abovementioned case, it has been observed that “the rate of conviction in criminal cases in India is



abysmally low. It appears to us that this factor weighs on the mind of the Court while deciding the bail applications in a negative sense. Courts tend to think that the possibility of a conviction being nearer to rarity, bail applications will have to be decided strictly, contrary to legal principles. We cannot mix up consideration of a bail application, which is not punitive in nature with that of a possible adjudication by way of trial. On the contrary, an ultimate acquittal with continued custody would be a case of grave injustice”.

13. Recently, in the case of ‘Tapas Kumar Palit Vs. State of Chhattisgarh’, 2025 SCC Online SC 322, the Hon’ble Supreme Court of India has observed that “if an accused is to get a final verdict after incarceration of six to seven years in jail as an undertrial prisoner, then, definitely, it could be said that his right to have a speedy trial under Article 21 of the Constitution has been infringed”. It has also been observed by the Hon’ble Supreme Court of India in the abovementioned case that “delays are bad for the accused and extremely bad for the victims, for Indian society and for the credibility of our justice system, which is valued. Judges are the masters of their Courtrooms and the Criminal Procedure Code provides many tools for the Judges to use in order to ensure that cases proceed efficiently”.

14. To elucidate further, this Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to an undertrial prisoner, as mandated by Hon’ble Apex court in ‘Balwinder Singh versus State of Punjab and another’ 2024 SCC Online SC 4354.



15. Taking into consideration the cumulative effect of all the aforesaid factors, it is hereby held that the petitioner is entitled for the concession of bail, and that the present petition deserves to be allowed.

16. Accordingly, without commenting anything on the merits of the case, the present petition is hereby **allowed**. The petitioner is hereby ordered to be released on bail on furnishing personal bond and surety bond(s) to the satisfaction of learned trial Court. However, the abovesaid benefit shall be subject to following conditions:-

- i) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him from disclosing such facts to the Court or to any other authority;
- ii) that the petitioner shall at the time of execution of bond, furnish the address to the Court concerned and shall notify the change in address to the trial Court, till the final decision of the trial; and
- iii) that the petitioner shall not leave India without prior permission of trial Court.

(SURYA PARTAP SINGH)
JUDGE

19.02.2026
Manoj Bhutani

Whether speaking/reasoned Yes/No
Whether reportable Yes/No