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IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

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CRM-M-68403-2025

Date of decision: 25<sup>th</sup> February, 2026

Yasin Mohammad @ Jassu

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Mr. I.P.S. Deol, Advocate for the petitioner.

Mr. Roshandeep Singh, Assistant Advocate General, Punjab.

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**MANISHA BATRA, J (ORAL):-**

The instant one is the third petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 10 dated 11.01.2019 registered under Section 22(c) of Narcotic Drugs and Psychotropic Substance Act, 1985 (for short 'NDPS Act') at Police Station Sultanpur Lodhi, District Kapurthala.

2. The petitioner has been facing trial for commission of aforementioned offences on the allegations that he was found in conscious possession of commercial quantity of Alprazolam as on 11.02.2019.

3. On perusal of the record, it has been revealed that the first petition as filed by the petitioner has been dismissed as withdrawn as it was observed

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that the trial had reached at its fag end whereas, the second petition had been dismissed on the ground that only one prosecution witness was left to be examined and the trial was at its fag end.

4. Learned counsel for the petitioner has submitted that even till date, the trial has not concluded and has placed on record a copy of order dated 15.12.2025 showing that now the proceedings before the trial Court have been adjourned to 12.03.2026 for recording statements of two prosecution witnesses. Meaning thereby not one but two prosecution witnesses still remain to be examined. Trial will take time to conclude. Each day spent by him in custody has given rise to a fresh cause of action for seeking bail. Therefore, it is urged that the petition deserves to be allowed.

5. This Court has heard learned counsel for the petitioner at considerable length.

6. The petitioner has not been extended benefit of bail so far only due to the reason that the trial is at its fag end. Now he has remained in the custody for a period of more than 03 years, 06 months and 12 days. It is obvious that the delay in conclusion of the trial is not attributable to him. It is well proposition of law that each day spent by an accused in custody extends a cause of action to him to seek concession of bail. It is also well settled proposition of law that prolonged incarceration generally militates against the most precious fundamental right guaranteed under Article 21 of the Constitution and in such cases, when there is delay in conclusion of trial without there being any fault on the part of the accused, he becomes entitled

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to be released on bail. Since the trial of this case, apparently and evidently is shown to have been delayed, as such, this Court is of the considered opinion that no fruitful purpose would be served by keeping the petitioner in custody anymore. It is well settled preposition of law that the bail is the rule and jail is an exception. Keeping in view the above facts and circumstances, this Court is of the considered opinion that the petition deserves to be allowed. Accordingly, the same is allowed, and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.
8. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]  
JUDGE

25<sup>th</sup> February, 2026  
Parveen Sharma

1. Whether speaking/ reasoned : Yes / No
2. Whether reportable : Yes / No