



CRM-M-11878-2026

1

2026:PHHC:076719



2026:PHHC:076719

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

Sr. No.211

**CRM-M-11878-2026
Date of Decision: 15.05.2026**

JASWANT SINGH

...Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present:- Mr. Abhaysher Singh, Advocate
for the petitioner.

Mr. Hardeep Hans, AAG, Punjab.

MANDEEP PANNU, J. (Oral)

1. This is the third petition under Section 483 of BNSS (Section 439 Cr.P.C.) for grant of Regular Bail to the petitioner in case FIR No. 52 dated 28.03.2024 under Section 21 of the Narcotic Drugs & Psychotropic Substances Act, 1985 and Section 25 of Arms Act, 1959 registered at Police Station STF, District SAS Nagar, Mohali, Punjab.

2. Brief facts of the case are that SI Gurnek Singh of STF Ferozepur, along with a police team, was on patrol duty in government vehicles when they reached Udham Singh Wala Chowk, Ferozepur at about 7:10 PM. An informer met the SI and separately disclosed that Satnam Singh alias Sagar, Satpal Singh alias Laddi, and Jaswant Singh were involved in heroin trafficking and were roaming near Dev Samaj College area on a motorcycle (PB-OBEF-6018) to sell drugs. Acting on this information, a raid was planned. The information was reduced into writing under Section 42 NDPS Act and sent to senior officers and STF police station via email



and through official channels for registration of a case under Section 21 NDPS Act. A raiding party was formed to apprehend the accused and proceed with further action. FIR registration, special reports, and intimation to senior officers and the Illaqa Magistrate were directed as per procedure, and further investigation was initiated.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is further contended that no recovery was effected from the conscious possession of the petitioner, as he had given lift to the co-accused, Satnam Singh @ Sagar, on his motorcycle owing to their familial relationship and had no knowledge of any alleged contraband. It is submitted that the recovery of 1 kg of heroin, along with a .32 bore country-made pistol and two live cartridges, was effected solely from the co-accused, Satnam Singh @ Sagar. Counsel further submits that the petitioner has clean antecedents and is not involved in any other criminal case. The petitioner has remained in custody for the last 02 years, 01 month and 15 days. Even after framing of fresh charges, only one prosecution witness has been examined so far, and no useful purpose would be served by continuing to detain the petitioner for an indefinite period.

4. On the other hand, learned State counsel has opposed the grant of bail on the ground that the present case pertains to the recovery of a commercial quantity of contraband. It is contended that the petitioner, Jaswant Singh, was not in conscious possession of the recovered contraband. Learned State counsel further submits that the motorcycle used in the commission of the offence belonged to the petitioner and that he had played an active and deliberate role, in connivance with the co-accused, in the



commission of the alleged offence. Counsel also points out that three other FIRs are registered against the petitioner and, therefore, he does not deserve the concession of regular bail. It is further submitted that the challan has already been presented and, out of 23 prosecution witnesses, only 06 have been examined so far. However, the learned State counsel does not controvert the fact that after framing of fresh charges only one witness has been examined till date.

5. I have considered the rival submissions made by learned counsel for the parties and have perused the material available on record. Admittedly, no recovery was effected from the conscious possession of the petitioner, as the alleged recovery of 1 kg of heroin, along with a .32 bore country-made pistol and two live cartridges, was effected from the pocket of the co-accused, who was travelling as a pillion rider on the motorcycle. The petitioner has remained in custody for the last 02 years, 01 month, and 15 days, and the conclusion of the trial is likely to take considerable time.

6. Reliance is placed upon a judgment of two-Judge Bench of the Hon'ble Supreme Court, in *Nandlal Mondal @ Abhay Mondal v. State of West Bengal, SLP (Crl.) No.12788/2023*, granted bail to the accused after 18 months of incarceration on the ground of delay in trial in an NDPS matter involving commercial quantity of contraband.

7. Reliance can be placed upon the judgment of the Hon'ble Apex Court rendered in "*Dataram versus State of Uttar Pradesh and another*", *2018(2) R.C.R. (Criminal) 131*, wherein it has been held that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of his right to life and liberty, as enshrined under



Article 21 of the Constitution of India and is against the principle “*bail is a rule*” and “*jail is an exception*”.

8. As regards the submission of learned State counsel that petitioner is involved in other criminal cases, reference is placed upon the judgment of the Hon'ble Supreme Court in ‘***Maulana Mohd. Amir Rashadi Vs. State of U.P. and another***’, 2012 (2) SCC 382 in which, it is held that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other/another cases. The relevant portion of the said judgment is reproduced hereinbelow:-

"As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc."

9. Keeping in view the overall facts and circumstances, this Court is of the opinion that the petitioner has made out a case for grant of regular bail.

10. Accordingly, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

11. However, it is made clear that nothing stated hereinabove shall be construed as an expression on the merits of the case.



CRM-M-11878-2026

5

2026:PHHC:076719



2026:PHHC:076719

12. All the pending miscellaneous application(s), if any, stands disposed of.

15.05.2026

(MANDEEP PANNU)
JUDGE

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