



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

(211)

CRM-M-37613-2026 (O&M)**Date of Decision:17.07.2026****SHEHZADA ALIAS JOLLY**

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

-.-

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Mr. Saksham Dudeja, Advocate
for the petitioner (as **Legal Aid Counsel**).

Mr. Baljinder Singh Sra, Addl. A.G. Punjab.

-.-

VIRINDER AGGARWAL, J. (Oral)

1. The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 439 of the Code of Criminal Procedure, 1973) seeking the concession of regular bail in FIR No. 27 dated 09.02.2026, registered under Sections 21(b), 27-A and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Ranjit Avenue, District Police Commissionerate, Amritsar (Annexure P- 1).

2. The prosecution case, as emerging from the statement of ASI Gurjinder Singh, is that on 09.02.2026, at about 09:00–09:30 a.m., near the turn leading to the backside of ITI, Anand Park, E-Block, Ranjit Avenue, Amritsar, co-accused Maninderpal Singh @ Sunny Ganja was apprehended while allegedly in conscious possession of 5 grams of heroin



and ₹600/-, purportedly constituting the sale proceeds of the contraband. During interrogation, the co-accused allegedly suffered a disclosure statement asserting that he had purchased 7 grams of heroin from the present petitioner, Shehzada @ Jolly, out of which he had already sold 2 grams, while the remaining 5 grams were recovered from his possession.

2.1. On the strength of the aforesaid disclosure statement, the petitioner was nominated as an additional accused under Section 29 of the NDPS Act. During investigation, the investigating agency further alleged that both the accused were engaged in financing and facilitating illicit trafficking of narcotic drugs, thereby attracting the provisions of Section 27-A of the NDPS Act. It was also noticed that another FIR involving the recovery of 47 grams of heroin had been registered against the co-accused. On the basis of the material so collected, the present FIR came to be investigated against the petitioner.

3. Notice of motion.

3.1. Learned counsel for the petitioner submits that the petitioner has been falsely implicated and that his nomination rests solely upon the disclosure statement of the co-accused. It is contended that no recovery remains to be effected from the petitioner and that the co-accused, namely Maninderpal Singh @ Sunny Ganja, has already been granted the concession of regular bail by this Court vide order dated 16.07.2026. It is, therefore, prayed that, on the ground of parity and the facts and circumstances of the case, the petitioner is also entitled to the concession of regular bail.



4. Mr. Baljinder Singh Sra, learned Additional Advocate General, Punjab, accepts notice on behalf of the respondent-State and has produced the custody certificate of the petitioner. Learned State counsel has opposed the petition with vehemence and submits that, considering the nature and gravity of the allegations, the petitioner does not deserve the concession of regular bail. Accordingly, prayer has been made for dismissal of the petition.

5. I have heard learned counsel for the respective parties at considerable length and have carefully perused the paper book as well as the material available on record with their able assistance.

6. I have bestowed my anxious consideration to the rival submissions and have meticulously examined the material available on record. It is not in dispute that co-accused Maninderpal Singh @ Sunny Ganja has already been granted the concession of regular bail by this Court vide order dated **16.07.2026** passed in **CRM-M-37482-2026**. It is further undisputed that the recovery allegedly effected from the petitioner falls within the ambit of small quantity under the provisions of NDPS Act. The petitioner has remained in judicial custody since 10.02.2026 and has thus undergone a substantial period of incarceration. Moreover, the trial has not progressed in any meaningful manner and is moving at a snail's pace, with no immediate likelihood of its conclusion.

6.1. The right to a speedy trial being an integral facet of Article 21 of the Constitution of India, continued incarceration of the petitioner for an indefinite period, particularly in a case involving recovery of small quantity, would be wholly unjustified. In the facts and circumstances of



the present case, no useful purpose would be served by further prolonging the petitioner's custody when the conclusion of the trial is likely to consume considerable time.

6.2. Accordingly, without expressing any opinion on the merits of the case, lest it prejudice either party during trial, the present petition is **allowed**. The petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail and surety bonds to the satisfaction of the learned Chief Judicial Magistrate/Illaq Magistrate/Duty Magistrate concerned, as the case may be, and further subject to the following conditions:-

- i. The petitioner(s) shall not, directly or indirectly, make any inducement, threat, or promise to any person acquainted with the facts and circumstances of the case so as to dissuade such person from disclosing such facts before the Court or to the Investigating Agency.
- ii. The petitioner(s) shall not tamper with the prosecution evidence in any manner whatsoever, nor shall the petitioner(s), directly or indirectly, attempt to influence, intimidate, or contact any prosecution witness.
- iii. The petitioner(s) shall not leave the territorial limits of India without obtaining the prior permission of the learned Trial Court. In the event any of the petitioner(s) is in possession of a passport, the particulars thereof shall be furnished before the Investigating Officer as well as the learned Trial Court.
- iv. Before accepting the bail and surety bonds, the learned Illaq Magistrate/Duty Magistrate/C.J.M. concerned shall obtain from the petitioner(s) the permanent residential address as well as the



present correspondence address, duly supported by appropriate documentary proof. The Investigating Officer shall verify the correctness of the said addresses within 48 hours of the acceptance of the bail bonds and place a verification report on record. In the event any of the addresses is found to be false, fictitious, or incorrect, it shall be open to the prosecution to seek cancellation of the concession of bail in accordance with law.

- v. The petitioner(s) shall furnish before the learned Trial Court, either at the time of furnishing the bail bonds or within such period as may be specified by the Court, the Permanent Account Number (PAN), Aadhaar Number, particulars of all operative bank accounts, and a declaration disclosing details of immovable properties, if any. Any concealment of material particulars or furnishing of false information shall constitute a valid ground for seeking cancellation of the concession of bail in accordance with law.
- vi. The petitioner(s) shall intimate the Investigating Officer as well as the learned Trial Court, in writing, of any change in residential address or mobile number within seven days of such change.
- vii. The petitioner(s) shall not commit any offence of a similar nature during the pendency of the trial and shall remain present before the learned Trial Court on each and every date fixed, unless personal appearance is exempted in accordance with law. The petitioner(s) shall not absent from the proceedings without obtaining prior permission of the learned Trial Court. In the event of violation of any of the aforesaid conditions or unauthorized absence from the trial proceedings, it shall be open to the learned Trial Court to proceed in accordance with law, including cancellation of the



concession of bail and issuance of appropriate coercive process,
including warrants of arrest.

7. In view of the final adjudication of the principal matter, all pending miscellaneous applications, if any, arising out of or ancillary to the present proceedings, shall also stand disposed of accordingly. No separate or further orders are required to be passed thereon, the same having been rendered infructuous in view of the present adjudication.

17.07.2026
Gaurav Sorot

(VIRINDER AGGARWAL)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No