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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-22538-2025
Decided on : 11.08.2025

JASPAL KUMAR ALIAS SONU ALIAS BADRI

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Hitesh Chopra, Advocate, and
Mr. Amit Kumar, Advocate,
for the petitioner.

Mr. Manjinder Singh Bhullar, DAG, Punjab.

SANJAY VASHISTH, J.

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Jaspal Kumar @ Sonu @ Badri	68	06.03.2025	21, 27-A, 29 of NDPS Act and Section 111 of BNS, 2023	Civil Lines Batala	Gurdaspur

2. Learned counsel for the petitioner contends that recovery in the present case consists of five grams of heroin along with an amount of Rs.1,010/-, which the prosecution alleges to be drug money.



It is submitted that the recovered quantity falls under the category of small quantity, for which the maximum sentence prescribed, after the amendment in the Act, is one year.

3. Counsel for the petitioner further submits that petitioner is in custody since 06.03.2025, i.e., from the date of registration of the FIR, and has, thus, undergone period of incarceration of approximately five months and three days.

Furthermore, it is submitted that *challan* is yet to be filed in the present case and charges have also not been framed. Even, no prosecution witness has been examined, till date. Therefore, trial is expected to take a considerable amount of time to conclude. Thus, counsel prays for grant of regular bail to the petitioner in the present case.

4. In response to the arguments addressed by learned counsel for the petitioner, learned State counsel, produces the custody certificate dated 08.08.2025, and status report dated 10.08.2025 in Court today, which are taken on record. Office to tag the same at appropriate place. A copy thereof has been handed over to the counsel for the petitioner.

As per the custody certificate, in the present case, petitioner has already undergone 05 months and 03 days period inside jail and other cases registered against him are as under:-

Sr. No.	Date of case (FIR No., dated, Section, Police Station, District)	Status of Case
1.	FIR No.105 dated 25.04.2016 under sections 21, 22, 61, 85 of NDPS Act, PS Civil Lines, Batala	Convicted on 18.08.2022
2.	FIR No.15 dated 16.07.2018 under sections 22, 61, 85 of NDPS Act, PS Civil Lines, Batala	Acquitted on 05.04.2023
3.	FIR No.72 dated 02.04.2022 under sections 21, 29, 61, 85 of NDPS Act, PS Civil Lines, Batala	Under trial
4.	FIR No.331 dated 07.12.2023 under sections	Under trial



	323, 324, 452, 326, 34 of IPC, PS Civil Lines, Batala	
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5. Learned State counsel, while opposing the prayer and submissions made by learned counsel for the petitioner, submits that petitioner is a habitual offender, as he is involved in other cases as well, which also fall under the provisions of the NDPS Act. It is, therefore, contended that petitioner does not deserve the concession of regular bail in the present case, and accordingly, present petition filed by him be dismissed.

6. This Court has heard the submissions advanced by counsel for the parties and has also perused the record available on file.

7. Considering the facts and circumstances of the present case, particularly the fact that petitioner is in custody since 06.03.2025, and *challan* has not yet been submitted, and none of the prosecution witnesses has been examined till date, this Court is of the view that personal liberty of the petitioner cannot be curtailed for an indefinite period. Moreover, since recovery of heroin in the present case is 5 grams, it appears to be debatable issue during trial as to whether, process adopted during weighing of the contraband, was in accordance with the prescribed norms, or otherwise. Even, slight deviation may affect the weight of the recovered quantity of heroin on the either side. Therefore, this Court finds it appropriate to grant the concession of regular bail to the petitioner in the present case.

8. Consequently, prayer made in the present petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing



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bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

9. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

10. Any of the discussion done and recorded here above, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible, in accordance with law.

11. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

12. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

11.08.2025
Lavisha

Whether Speaking/Reasoned: YES/NO
Whether Reportable: YES/NO