



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

111

1)

CRM-M-59303-2025
Decided on : 29.09.2025

Raj Singh @ Raju

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

2)

CRM-M-17155-2025

Jagtar Singh @ Jagat @ Kala

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Jashandeep Singh Sidhu, Advocate
for the petitioner(s) (in CRM-M-59303-2025).

Mr. Karandeep Singh Sidhu, Advocate
for the petitioner(s) (in CRM-M-17155-2025).

Mr. Neeraj Madaan, Sr. DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. This order shall dispose of CRM-M-59303-2025 & CRM-M-17155-2025, as both the petitions are interconnected and have arisen out of same FIR. However, the lead case is CRM-M-59303-2025.

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

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Raj Singh @ Raju (petitioner in CRM-M-59303-2025)	267	29.11.2022	21(c) of NDPS Act, 1985 [S. 29 of NDPS Act, added later on]	Sadar Fazilka	Fazilka
Jagtar Singh @ Jagat @ Kala (petitioner in					

CRM-M-17155-2025)					
-------------------	--	--	--	--	--

3. Case of the prosecution is that while both the aforementioned petitioners were riding together on a motorcycle, on being intercepted by the police, from the possession of petitioner – **Raj Singh @ Raju** (in CRM-M-59303-2025) **1 kg 70 grams** of Heroin was recovered, whereas from his co-accused, i.e., petitioner – **Jagtar Singh @ Jagat @ Kala** (in CRM-M-17155-2025), **1 kg 35 grams** of Heroin was recovered. Both the petitioners are in custody for the last about 2 years and 9 months and, till date, out of a total of 29 prosecution witnesses, only 2 witnesses have been examined.

4. Learned counsel for the petitioners argues that they have been falsely implicated in the present case and, even in the past, neither of them has been found involved in any similar activity punishable under the NDPS Act. It is submitted that though the alleged recovery from both the petitioners is of “commercial quantity”, yet in view of the slow pace of trial and prolonged custody of about 2 years and 9 months, they cannot be kept incarcerated indefinitely. Accordingly, prayer is made for grant of regular bail.

5. On the other hand, learned State counsel has filed the separate custody certificates dated 28.09.2025 & 27.09.2025 in Court today, which are taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

Copies thereof have been handed over to the respective counsel for the petitioners.

Besides, learned State counsel has also filed the status report dated 26.09.2025 (in CRM-M-59303-2025), in Court today, which is also taken on record, subject to all just exceptions. Office to tag the same at

appropriate place. A copy thereof has also been handed over to the counsel for the petitioner.

6. Learned State counsel, while vehemently opposing the prayer for bail, submits that the contraband recovered from the possession of the petitioners falls within the category of “commercial quantity”. Since both petitioners were found riding on the same motorcycle bearing registration No. PB04-W-8226, it is argued that the recovery has to be treated as one consolidated quantity of 2 kg 105 grams of heroin, thereby rendering both equally liable. Considering the nature of allegations and gravity of the offence, prayer is made for dismissal of the bail petitions.

7. I have heard learned counsel for the parties and perused the relevant material on record.

8. Looking at the total incarceration period suffered by the petitioners inside jail and the slow pace of the trial, on the previous date of hearing, i.e., on 15.07.2025, learned trial Court was directed to send a report explaining the reasons for delay in the conclusion of trial.

9. In compliance thereto, report dated 24.09.2025 forwarded by learned Additional District & Sessions Judge, Fazilka (trial Court), has been received, which is placed at F/A on the case file. As per the report, two witnesses have been fully examined and four witnesses are examined-in-chief and un-examined witnesses have been summoned for 09.10.2025.

It has also been reported that on some of the occasions, prosecution witnesses were not present and also defense counsel was not available on account of the reason that he came to Fazilka Court’s on the particular days, i.e., on Tuesday and Thursday.

10. Considering the totality of facts & circumstances, including the custody of about 02 years and 09 months, slow pace of trial, and the fact that

the petitioners – Raj Singh @ Raju (aged about 26 years) and Jagtar Singh @ Jagat @ Kala (aged about 62 years) – are not shown to be involved in any other similar offence under the NDPS Act, this Court deems it appropriate to accept their plea for regular bail.

Consequently, prayer made in the present petitions are **allowed**. Petitioners are ordered to be released on bail, subject to their furnishing 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.

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

12. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

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

14. **Petitions stand disposed of.**

Pending misc. application(s), if any, also stand disposed of.

Photocopy of this order be placed on the file of other connected case.

(SANJAY VASHISTH)
JUDGE

September 29, 2025

J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No