



CRM-M-28633-2025

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

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**CRM-M-28633-2025
Decided on :28.05.2025**

Jatinder Singh

. . . Petitioner(s)

Versus

State of Punjab

. . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Mitul Singh Rana, Advocate for the petitioner.

Mr. Manjinder Singh Bhullar, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. Petitioner- Jatinder Singh, has filed instant petition seeking regular bail in case FIR No.115 dated 09.04.2024, under Sections 22 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station, Zirakpur, District SAS Nagar, during the pendency of trial.

2. As per the allegations in the FIR, petitioner-Jatinder Singh, and his co-accused, Harpreet Singh, were walking on foot when they were apprehended. Upon conducting a search, 20 strips of Lomotil tablets (60 tablets per strip) were recovered from the right pocket of Jatinder Singh. It is further alleged that 20 more strips containing Lomotil tablets (60 tablets per strip) were recovered from the left pocket of the trousers(pant) worn by co-accused Harpreet Singh. In this manner, a total of 2,400 tablets were recovered from both the accused.

3. Learned counsel for the petitioner argues that it is highly improbable that any person would be roaming freely, while carrying such



a large quantity of tablets in a single pocket, as alleged by the prosecution in the FIR, without being aware of the criminal implications of such possession. Counsel further submits that the prosecution does not allege the petitioner's involvement in any other case of similar nature. Moreover, no independent witness was associated at the time of the alleged recovery, despite the fact that the recovery was effected at around 7:00 p.m. in an area which is ordinarily crowded.

Learned counsel for the petitioner submits that the investigation in the present case has been completed and the challan has been filed. Out of a total of sixteen prosecution witnesses, eight have already been examined. It is further submitted that co-accused, namely Harpreet Singh, has already been granted regular bail by this Court vide order dated 14.05.2025 passed in CRM-M-61273-2024(P-3).

Further submits that petitioner undertakes not to misuse the concession of bail, if granted, and shall fully cooperate with the trial court by appearing before it on all scheduled dates, thereby ensuring the speedy disposal of the case. Therefore, prays for the grant of regular bail to the petitioner.

4. On the other hand, learned State counsel opposes the prayer of the petitioner by submitting that there is a substantial recovery of intoxicating/narcotic tablets; therefore, the concession of bail should not be granted to the petitioner and the same deserves to be declined.

The other aspects highlighted by the counsel for the petitioner are not disputed.

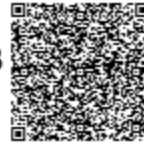


5. Taking into consideration the circumstances of the case, the nature of the allegations, and the manner in which the recovery of the tablets was effected, though no conclusive opinion can be expressed at this stage, the prayer for bail appears to be deserving of consideration. It is also noticed that the co-accused has already been granted bail by this Court.

This Court is also of the view that the petitioner, having been in custody for over one year, one month, and seventeen days, and in light of the fact that the co-accused has already been granted bail by this Court, deserves an opportunity to rehabilitate and reintegrate into society. Therefore, without expressing any opinion on the merits or quality of the evidence collected by the prosecution, and primarily considering the petitioner's prolonged incarceration as well as the non-examination of material witnesses, this Court is of the considered opinion that the petitioner's personal liberty cannot be curtailed indefinitely.

Accordingly, the present petition is allowed. Petitioner is directed to be released on bail, subject to furnishing bail/surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Illaq Magistrate/Duty Magistrate concerned, provided the petitioner is not required in any other case.

6. It shall be open to the complainant or the State of Punjab/prosecution to move an appropriate application for cancellation of bail in the present case, supported by relevant material, in case, petitioner misuses the concession of bail in any manner. Further more, it is made clear that if, in future, the petitioner is found to be involved in similar



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activities, the prosecution shall be at liberty to seek revocation of bail in the present case.

7. The observation made hereinabove 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.

8. Petition stands disposed of.

**(SANJAY VASHISTH)
JUDGE**

28.05.2025

Rashmi

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