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

CRM-M-58602-2024(O&amp;M)

Date of decision:-23.05.2025

**JASWINDER SINGH ALIAS JASSA**... **Petitioner****Versus****STATE OF PUNJAB**... **Respondent****CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.**

Present:- Mr. Munish Raj, Advocate for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab

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**SANJIV BERRY, J.(ORAL)**

Learned State counsel has filed reply by way of affidavit dated 21.04.2025 of Deputy Superintendent of Police, Sub Division Barnala, District Barnala, the same is taken on record, copy thereof, has been supplied to the counsel opposite.

2. The instant second petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure, for grant of regular bail in the following case:-

<b>FIR No.</b>	<b>Dated</b>	<b>Sections</b>	<b>Police Station</b>
491	21.10.2023	21 of NDPS Act (29 NDPS Act added later on)	City Barnala, District Barnala

3. Arguments heard.

4. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case and he is in custody since 21.10.2023. He contends that the alleged recovery of 260 grams of heroin is marginally above the non commercial quantity.



He submits that after completion of investigation, challan has already been presented in Court, wherein prosecution has cited 15 witnesses and till date only 6 of them have been examined. He contends that co-accused Babli has already been granted concession of bail by this Court vide order dated 25.04.2025 passed in CRM-M-52967-2024. Hence prayed for grant of regular bail to the petitioner.

5. *Per contra*, learned State counsel referring to the reply submitted by the State, has assailed these arguments by submitting that 260 grams of heroin was recovered from the petitioner, hence prayed for dismissal of the bail petition. However, he has not disputed the fact that challan has already been presented in Court, wherein prosecution has cited 15 witnesses and till date only 6 of them have been examined.

6. After considering the rival contentions and perusing the record, it is observed that as per the version of the prosecution, during patrolling, police apprehended petitioner along with co-accused Babli on 21.10.2023 and on checking, recovery of 260 grams of heroin was effected from them. After completion of investigation, challan has already been presented in Court wherein prosecution has cited 15 witnesses and till date 6 of them have been examined. Admittedly, the recovery effected from the petitioner is marginally higher than the non commercial quantity. The conclusion of trial to ascertain criminal liability, if any, of the petitioner, will take sufficient long time. Co-accused Babli has already been granted concession of bail by this Court vide order dated 25.04.2025 passed in CRM-M-52967-2024. Therefore, considering the slow pace with which the trial is proceeding, as well as the fact that the recovered contraband allegedly effected from the petitioner is marginally higher than the non commercial quantity, this case is



deemed fit where rigor of Section 37 of the NDPS Act could be diluted, as such, no purpose would be served by detaining the petitioner any longer in custody.

7. In these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. It is further made clear that in case the petitioner is again found involved in any case under NDPS Act, after his release on bail, it will be open for the prosecution to move an application for cancellation of his bail in accordance with law.

9. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

10. Pending application(s) if any shall also stand disposed of.

**(SANJIV BERRY)**  
**JUDGE**

**23.05.2025**

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| i)  | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable?        | Yes/No |