



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

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Date of decision: 11.07.2025

1. CRM-M-28100-2025

Navraj Singh @ Mota

....Petitioner

Versus

State of Punjab

....Respondent

2. CRM-M-28183-2025

Jasmeet Singh @ Monu

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Manoj R. Sharma, Advocate
for the petitioner(s) in both the cases.

Mr. Nitesh Sharma, DAG, Punjab.

HARPREET SINGH BRAR J. (Oral)

1. Vide this common order, I intend to dispose of CRM-M Nos.28100-2025 and 28183-2025, as common questions of law and facts are involved for adjudication. For the sake of convenience, facts are taken from CRM-M-28100-2025.

1.1. Prayer in both these petitions filed under Section 483 of BNSS, 2023 is for grant of regular bail to the petitioner(s) namely Navraj Singh @ Mota and Jasmeet Singh @ Monu in FIR No.14 dated 02.03.2025 registered under Sections 21, 27-A and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act')



and Section 111 of the Bharatiya Nyaya Sanhita, 2023 (in short 'BNS, 2023') at Police Station Sekhwan, Police District Batala, District Gurdaspur.

2. As per the prosecution case, the FIR (supra) was registered on the basis of the statement made by ASI Parminder Singh, who along with his police team was patrolling the area between Wadala Granthian and Talwandi Jhugla under Police Station Sekhwan. While patrolling, the police noticed two young men present near the railway crossing at Talwandi Jhugla who were acting suspiciously. Thereafter, when the police party approached, one person tried to discard a poly bag. Upon apprehension and interrogation, both the said individuals disclosure their identity as Jaswant Singh @ Monu and Navraj Singh @ Mota (petitioner(s) herein). Following the due procedure, the police recovered 10 grams of heroin from Jaswant Singh, while Navraj Singh was found in possession of a computerized scale and drug money of Rs.1800/-. Subsequently, based on their disclosure statements, another accused, Kawarpal Singh @ Kanwal, was implicated in the case and the offences under Sections 27-A and 29 of the NDPS Act along with Section 111 of BNS, 2023 were later on added in the FIR (supra).

3. Learned counsel for the petitioner(s) *inter alia* contends that as per the case set up by the prosecution, 10 grams of Heroin was allegedly recovered from the petitioner – Jasmeet Singh @ Monu and the aforementioned recovery does not fall under the ambit of commercial quantity, thus, the embargo created under Section 37 of the



NDPS Act would not apply. Further, no contraband was recovered from the conscious possession of petitioner – Navraj Singh @ Mota. The investigation is complete and both the petitioner(s) have suffered the incarceration of more than 04 months.

4. Learned counsel for the petitioner(s) further submits that there are total 11 prosecution witnesses cited in the list of witnesses, who are police officials, out of which, no PW has been examined till date and the trial is likely to take long time in conclusion.

5. *Per contra*, learned State counsel has filed custody certificates today in the Court which are taken on record and he opposes the prayer made by learned counsel for the petitioner(s) on the ground that the petitioner(s) were apprehended at the spot and recovery of 10 gms of heroin was allegedly recovered from the petitioner – Jasmeet Singh @ Monu whereas recovery of one computerized scale and drug money of Rs.1800/- was effected from the petitioner – Navraj Singh @ Mota and both the petitioner(s) are habitual offenders and the petitioner – Navraj Singh @ Mota is involved in four more cases while the petitioner – Jasmeet Singh @ Monu is involved in three more cases, all registered under the NDPS Act, however, he could not controvert the fact that both the petitioner(s) are in custody from the last 04 months and 07 days.

6. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner(s) are behind the bars from the last 04 months and 07 days. Investigation is



complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. Charges were framed and trial of the case has not made much progress. Out of 11 prosecution witnesses, no PW has been examined so far.

7. A two Judge Bench of Hon'ble Supreme Court in ***"Satender Kumar Antil vs. CBI"***, (2022) 10 SCC 51, with respect to prevailing conditions of undertrial prisoner in India has observed:

"6. Jails in India are flooded with undertrial prisoners. The statistics placed before us would indicate that more than 2/3rd of the inmates of the prisons constitute undertrial prisoners. Of this category of prisoners, majority may not even be required to be arrested despite registration of a cognizable offence, being charged with offences punishable for seven years or less. They are not only poor and illiterate but also would include women. Thus, there is a culture of offence being inherited by many of them. As observed by this Court, it certainly exhibits the mindset, a vestige of colonial India, on the part of the investigating agency, notwithstanding the fact arrest is a draconian measure resulting in curtailment of liberty, and thus to be used sparingly. In a democracy, there can never be an impression that it is a police State as both are conceptually opposite to each other."

8. Further the culpability, if any, would be determined at the time of trial and as such, no useful purpose will be served by further detention of the petitioner(s)-accused. Keeping the petitioner(s) in further detention without the prospect of the trial being concluded in the



near future, would be violative of their rights under Article 21 of the Constitution of India.

9. Further keeping in view the law laid down by the Hon'ble Supreme Court of India in "*Prabhakar Tewari vs. State of U.P. and another*" 2020 (1) R.C.R. (Criminal 831) and "*Maulana Mohd. Amir Rashadi vs. State of U.P. and another*", 2012 (2) SCC 382, the involvement of the petitioner(s) in other cases would not be a ground to refuse grant of concession of regular bail.

10. In view the discussion above, the present petitions are allowed. Accordingly, without commenting upon the merits of the case, the petitioner(s) namely Navraj Singh @ Mota and Jasmeet Singh @ Monu are ordered to be released on regular bail during pendency of the trial, on their furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/trial Court/Duty Magistrate.

11. Nothing observed hereinabove shall be construed to be expression of an opinion by this Court on merits of the case. The learned Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

12. A photocopy of this order be placed on the file of other connected case.

(HARPREET SINGH BRAR)
JUDGE

11.07.2025

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No