



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

263

CRM-M-35422-2024 (O&M)

Date of Decision:- 29.04.2025

JAGSIR @ SIRA

...Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Amit Choudhary, Advocate for the petitioner.

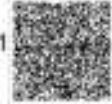
Mr. Vipul Sherwal, AAG Haryana.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 483 BNSS, 2023 for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
01	01.01.2023	15-C and 27-A NDPS Act	Sadar Tohana, District Fatehabd

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He submits that the petitioner is neither named in the FIR nor any recovery has been effected from him. He contends that the petitioner was nominated on the disclosure statement of co-accused Kaptan Singh, with whom the petitioner has no concern. He submits that the petitioner is in custody since



05.01.2023, and the case of the petitioner is at par with accused Charanjit Singh @ Charnu, who has been granted the concession of bail by this Court vide order dated 19.03.2024 passed in CRM-M-60807-2023. Thus prays for grant of concession of bail to the petitioner.

3. *Per contra*, learned State counsel while referring to the status report filed by the State has opposed the bail petition, however, on instructions from SI Lalit Kumar, Investigating officer of the case present in Court, has not disputed the fact that the case of the petitioner is at par with that of co-accused Charanjit Singh @ Charnu (*supra*).

4. Heard learned counsel for the parties and perused the record.

5. After considering the rival contentions and perusing the record, it transpires that as per the case of prosecution the police apprehended one Tata Ace No. HR-62-A-7904, however, its driver managed to escape. On checking of said vehicle, 8 Quintal 14 kg of poppy husk was recovered. During investigation, it was found that co-accused Kaptan Singh purchased the said vehicle on the basis of agreement from Sube Singh. Kaptan Singh disclosed that the said vehicle was taken from him by the petitioner and one unknown person. Subsequently, the petitioner was arrested on 05.01.2023.

6. Admittedly, the petitioner is neither named in the FIR, nor any contraband has been recovered from his possession. The name of the petitioner surfaced in the disclosure statement of co-accused Kaptan Singh. The recovery of contraband has been effected from the vehicle and there is no record that the petitioner has any concern with the said vehicle. After the completion of investigation, challan has been presented in Court and out of



21 witnesses cited by the prosecution, only 06 have been examined till date. The criminal liability, if any, of the petitioner, could only be determined after the conclusion of trial, which may take sufficient long time. The case of the petitioner is at par with co-accused Charanjit Singh, who has been granted the concession of bail (*supra*), therefore being on parity, without commenting on the merits of the case, the present petition is allowed.

7. Consequently, The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate 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 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 miscellaneous application(s), if any, stands disposed of.

(SANJIV BERRY)
JUDGE

29.04.2025

S.Sharma(syr)

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