



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

236

**CRM-M-44651-2025
Decided on : 28.08.2025**

Jagtar Singh @ Kikkar @ Kirat . . . Petitioner(s)

Versus

State of Punjab . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Gursimran S. Bawa, Advocate
for the petitioner(s).

Mr. Bareen Partap Singh, AAG, Punjab.

SANJAY VASHISTH, J. (Oral)

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

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Jagtar Singh @ Kikkar @ Kirat	74	07.05.2024	21 & 29 of NDPS Act, 1985	Special Task Force	STF Wing (SAS Nagar) Mohali.

2. Case of the prosecution is that a secret informant informed the police that petitioner Jagtar Singh @ Kikkar @ Kirat, had found a packet of 'Heroin' in his fields a few days ago, while working there and the same was handed over by him to his acquaintance – Ramesh @ Meshu, for the purpose of selling it in the open market. After affecting arrest of both the accused, i.e., petitioner and co-accused namely; Ramesh @ Meshu, a disclosure statement to that effect was made by said Ramesh @ Meshu, and thereafter,



pursuant to his disclosure, 500 grams of 'Heroin' is shown to have been recovered on 07.05.2024.

3. Learned counsel argues that petitioner is a respectable person of the age of 46 years and has never been found indulged in any similar activity in the past. There is no *head and tail* to the allegations regarding Heroin allegedly having been found by the petitioner in his fields, inasmuch as no investigation was conducted by the Investigating Agency to verify whether any such packet was ever found in the petitioner's fields at any point of time, or what the source of such contraband was. Moreover, there is no explanation as to why, if at all such packet was found, it would have been handed over by the petitioner to the co-accused – Ramesh @ Meshu.

Learned counsel further contends that a false story has been propounded for extraneous reasons, and at no stage any contraband was recovered from the personal possession of the petitioner. Petitioner is inside jail for a period of 01 year, 03 months and 19 days, and his further incarceration would serve no meaningful purpose. Thus, in light of the above, learned counsel prays for grant of concession of regular bail to the petitioner.

4. On the other hand, learned State counsel has filed the custody certificate dated 27.08.2025, in Court today, which is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

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

5. Learned State counsel, while opposing the prayer for bail, submits that recovery of 500 grams of Heroin is a serious matter, falling



within the ambit of ‘commercial quantity’, and therefore, rigors of Section 37 of the NDPS Act squarely apply. It is further submitted that disclosure statement of co-accused Ramesh @ Meshu clearly points out towards the involvement of the present petitioner in handing over the contraband packet, which directly led to the recovery. In view of the grave allegations and seriousness of the offence, petitioner does not deserve the concession of bail.

However, learned State counsel, fairly concedes the fact that no direct recovery was ever effected from the possession of the petitioner, and he has already remained in custody for 01 year, 03 months and 19 days.

6. I have heard learned counsel for the parties and perused the record. Without making any observations on merits, this Court finds that the recovery in the present case was not effected from the possession of the petitioner, but from co-accused Ramesh @ Meshu, on the basis of his own disclosure statement. Whether the said disclosure statement can be read against the petitioner, is a matter to be established during the course of trial. Admittedly, petitioner is in custody for 01 year, 03 months and 19 days, and no fruitful purpose would be served by keeping him behind the bars for an indefinite period, when the trial itself is likely to take considerable time.

In such circumstances, this Court considers it just and appropriate to extend the concession of regular bail to him.

7. Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his 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.



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

9. 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.

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

11. Petition stands **disposed of**.

**(SANJAY VASHISTH)
JUDGE**

August 28, 2025

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No