



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

CRM-M-18472-2025
Date of Decision: 29.07.2025

Jagdeep Singh and another Petitioners

Versus

State of HaryanaRespondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr.Ajay Kumar, Advocate, for the petitioner.

Ms. Diya Sodhi, Sr. DAG, Haryana.

Rajesh Bhardwaj, J. (ORAL)

1. Petitioners have approached this Court by way of filing the present petition praying for grant of regular bail in case FIR No. 231 dated 12.08.2024, registered under Section 15(C)-61-85 of NDPS Act, 1985, at Police Station Julana, District Jind.

2. Succinctly facts of the case are that on 11.08.2024, the Police party received a secret information to the effect that Jagdeep Singh son of Kartar Singh (petitioner) and Raj Kiran Verma @ Raju (petitioner) are indulged in selling *doda chura post*. It was informed that Jagdeep Singh owns a truck and Raj Kiran Verma works as a Driver of the truck and both of them had loaded goods from Punjab in their truck for Madhya Pradesh, Maharashtra and Andhra Pradesh etc. It was informed that while returning to Punjab, they bought *doda chura post* from Madhya Pradesh and concealed the same in the goods loaded in the said truck. It was further informed that they had parked their truck in the parking lot of Vishal Shuddh Vaishno Dhabha on Rohtak-Jind road. In case of raid, Jagdeep Singh and Raj Kiran Verma @ Raju could be arrested along with the contraband loaded in the truck. On receiving the secret information, a raiding team was constituted.



The team raided the place as disclosed and the truck as disclosed was found parked near the said Dhabha. On checking, three persons were found sitting inside the cabin of the truck. On asking, the Driver of the truck disclosed his name as Raj Kiran Verma @ Raju, the boy sitting on the rear seat told his name as Lakhan Singh and the person sitting on the conductor seat disclosed his name as Jagdeep Singh. They were suspected to be carrying some contraband in the truck and, thus, search of the truck was conducted and three black coloured plastic sacks and one white coloured plastic bag containing *doda chura post* (poppy straw) were found in the truck. On weighing, total contraband recovered from three sacks came to be 69.185 kgs. The accused failed to produce any licence regarding possession of the same and thus, the FIR was registered and all three were arrested on the spot. The investigation commenced. Samples taken were sent to the FSL. On completion of the investigation, challan was presented and on framing the charges, the trial Court proceeded with the trial. The petitioners approached the Court of learned Additional Sessions Judge, Jind praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioners vide order dated 12.03.2025. Hence, the petitioners have approached this Court praying for grant of regular bail by way of filing the present petition.

3. It has been vehemently contended by learned counsel for the petitioners that the petitioners have been falsely implicated in the present case. He submits that the FIR was registered on the basis of secret information, however, there is violation of mandatory provisions of Section 42 of the NDPS Act. He submits that alleged recovery in the present case



was effected from a public place and thus, there is violation of Section 50 of NDPS Act as well. He submits that the case has been planted upon the petitioners. He further submits that the petitioners have no criminal antecedents and they are behind bars since the date of their arrest i.e. 12.08.2024. It is submitted that till date only charges have been framed and the trial has not even commenced. He, thus, submits that in the overall facts and circumstances of the case, the petitioners deserve to be granted bail.

4. Per contra, learned State counsel has vehemently opposed the submissions made by counsel for the petitioner. She has submitted that the petitioners were specifically named in the secret information. She submits that Jagdeep Singh is the owner of the truck, whereas, Raj Kiran Verma is the driver of the truck and recovery of 69.185 kgs of doda chura post was effected from the said truck, which is a commercial quantity and thus, provisions of Section 37 of NDPS Act, are attracted. On instructions, she submits that charges have been framed and out of total 20 prosecution witnesses, no witness has been examined till date. She has placed on record the custody certificate of the petitioners.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the FIR in the present case has been registered on the basis of secret information. Charges are framed and the trial is yet to be commenced as out of total 20 prosecution witnesses, no witness has been examined. The custody certificates reflect that the petitioners have suffered incarceration of 11 months & 09 days as on 28.07.2025. Custody certificates further show that the petitioners have no criminal antecedents.

6. As held by the Hon'ble Supreme Court in *Mohd Muslim @*



Hussain Vs. State (NCT of Delhi), 2023 LiveLaw(SC)260, this Court is of the opinion that the case of the petitioner is covered by the ratio of law laid down by the Hon'ble Supreme Court. In the abovesaid case Hon'ble Supreme Court expressed its views as under:-

19. A plain and literal interpretation of the conditions under Section 37 (i.e., that Court should be satisfied that the accused is not guilty and would not commit any offence) would effectively exclude grant of bail altogether, resulting in punitive detention and unsanctioned preventive detention as well. Therefore, the only manner in which such special conditions as enacted under Section 37 can be considered within constitutional parameters is where the court is reasonably satisfied on a prima facie look at the material on record (whenever the bail application is made) that the accused is not guilty. Any other interpretation, would result in complete denial of the bail to a person accused of offences such as those enacted under Section 37 of the NDPS Act.

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21it would be important to reflect that laws which impose stringent conditions for grant of bail, may be necessary in public interest; yet, if trials are not concluded in time, the injustice wrecked on the individual is immeasurable.

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23. There is a further danger of the prisoner turning to crime, “as crime not only turns admirable, but the more professional the crime, more honour is paid to the criminal”²² (also see Donald Clemmer’s ‘The Prison Community’ published in 1940²³). Incarceration has further deleterious effects - where the accused belongs to the weakest economic strata: immediate loss of livelihood, and in several cases, scattering of families as well as loss of family bonds and alienation from society. The courts therefore, have to be sensitive to these aspects (because in the event of an acquittal, the loss to the accused is irreparable), and ensure that trials – especially in cases, where special laws enact



stringent provisions, are taken up and concluded speedily.'

7. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioners succeeds in making out a case for grant of regular bail to the petitioners.

8. Accordingly, the present petition is allowed and the petitioners are ordered to be released on bail on their furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

9. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

29.07.2025

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Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No