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

**CRM-M-22407-2025 (OKM)
Reserved on : 01.08.2025
Pronounced on : 07.08.2025**

Jarnail @ Jaila

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. D. S. Virk, Advocate
for the petitioner.

Ms. Himani Arora, DAG, Haryana.

MANISHA BATRA, J.

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in FIR No. 0377 dated 02.06.2023, registered under Sections 15, 25 and 27-A of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Assandh, District Karnal.

2. Brief facts of the case relevant for the disposal of the present petition are that on 02.06.2023, on the basis of a secret information, co-accused Nanak Singh and Harvinder Singh, while coming in a container bearing registration number HR-38Y-0962, were apprehended by the police party and recovery of 67.3 kgs. of doda post was effected from them. They were formally arrested at the spot. Upon interrogation, co-accused Nanak Singh, who is real brother of the present petitioner, disclosed that the petitioner was also indulged in the sale of Doda post and it is the petitioner who had abetted the commission of crime by misguiding him. On the basis of the same, the petitioner was also

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nominated in this case and was arrested on 19.11.2024. After completion of necessary investigation and usual formalities, *challan* was presented before the Court and presently, the petitioner along with the co-accused is facing trial for commission of aforementioned offences.

3. Learned counsel for the petitioners has argued that the petitioner has been falsely implicated in this case. He is neither named in the FIR nor was found at the spot. He has been nominated in this case on the basis of the disclosure statement suffered by the co-accused, which is not admissible in evidence. No subsequent recovery has been effected from him. Even otherwise, investigation has since been completed and *challan* has been filed. Conclusion of trial is likely to take time. The petitioner is in custody since 19.11.2024 barring period of his interim bail. No useful purpose would be served by keeping him in custody anymore. It is, therefore, urged that the petition deserves to be allowed and the petitioner deserves to be released on bail.

4. Reply has been filed by the respondent-State. Learned Deputy Advocate General, Haryana has argued that keeping in view the gravity of the allegations levelled against the petitioner as well as his criminal antecedents, he is not entitled to get benefit of bail. It is also argued that if the petitioner is released on bail, he may abscond or indulge in similar offences. It is, thus, argued that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

6. As per the allegations, co-accused Nanak Singh and Harvinder Singh were apprehended by the police party on 02.06.2023 and recovery of 67.3 kgs. of *doda post* (poppy straw) was effected from them, quantity of which falls

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under the commercial quantity. The petitioner has been nominated in this case on the basis of the disclosure statement suffered by co-accused Nanak Singh, who is in fact his real brother. The allegations against the petitioner are that he was also indulged in sale of doda post and had abetted the subject crime by the co-accused. The allegations against the petitioner are quite serious. His criminal antecedents are also not clean as he is involved in three more cases under NDPS Act. Hence, the apprehension expressed by learned State counsel that if he is released on bail, he may abscond or indulge in similar offences, can also not be stated to be unfounded. The trial is going on at a proper pace and there is nothing on record to show that there would be any undue delay in conclusion of the same. Keeping in view the discussion as made above, the quantity of contraband recovered in this case, the criminal antecedents of the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, I am of the considered opinion that the petitioners do not deserve to be granted benefit of regular bail, at this stage. Hence, the petitions are dismissed.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petitions and the same shall not be construed as an expression of opinion on the merits of the case.

07.08.2025

Waseem Ansari(MANISHA BATRA)
JUDGE*Whether speaking/reasoned**Yes/No**Whether reportable**Yes/No*