



CRM-M-18923-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH**CRM-M-18923-2024 (O&M)
Date of decision : 2.4.2025**

Jaskaran Singh

... Petitioner

VERSUS

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. L.M.Gulati, Advocate with
Mr. Ashwani Kumar Katter, Advocate,
for the petitioner.

Mr. Arjun Lakhanpal, Addl. AG, Haryana

KARAMJIT SINGH, J. (Oral)

Prayer in the present petition is for grant of regular bail to the petitioner in case having FIR No.117 dated 27.6.2022 registered under Sections 15, 29 of NDPS Act and Sections 279, 336, 427 of IPC at Police Station Naggal, District Ambala.

2. The allegations in nutshell are that on receiving information regarding road side accident, the police reached the spot where a private bus was found to be involved in the accident with car bearing No.HR05-M-0098. There was no occupant in the car. During search of the car, 151 kg 180 grams of poppy husk was recovered which was lying stored in 8 plastic sacks. During investigation, it was found that the said car was owned by the present petitioner and resultantly, the petitioner was arrested on 31.10.2023.



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3. Counsel appearing on behalf of the petitioner submits that the petitioner has nothing to do with the aforesaid recovery of contraband as well as car bearing No.HR05-M-0098 which was already sold by the petitioner to one Harmandeep Singh Bhangu on 25.5.2022 and possession of the vehicle was also handed over to said Harmandeep Singh Bhangu by the petitioner at the time of the said sale against proper cash receipt and copy of the same is already available with the police and is part of the police challan. Counsel for the petitioner further submits that otherwise also, the petitioner is behind bars for the last more than 1 year and 3 months and is having no criminal antecedents and it will take time for the trial to conclude and it being so, no useful purpose is going to be served by keeping the petitioner in custody for any longer period.

4. Status report by way of affidavit of Surinder Singh Bhoria, Superintendent of Police, Ambala filed on behalf of the State is ordered to be taken on record along with Annexures R-1 and R-2. State counsel, while resisting the present petition, submits that no doubt, the petitioner was not arrested from the place of recovery but during investigation, it was revealed that the petitioner was registered owner of the vehicle in question from which the police recovered 151.180 kg of poppy husk. However, the State counsel on instructions from ASI Rajiv Mohan has not disputed the fact that the petitioner, who is incarcerated for the last more than 1 year and 3 months, is having no criminal history and that till date, no prosecution witness is examined and the next date fixed in the trial is 4.4.2025.

5. I have considered the submissions made by the counsel for the parties.



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6. Admittedly, the contraband in question was recovered by the police from abandoned car which was found to be registered in the name of the present petitioner. Plea of the petitioner is that he had already sold the said vehicle to one Harmandeep Singh Bhangu against proper receipt prior to the registration of the present case. In the given circumstances, it is a matter of evidence as to who was the legal owner of the said vehicle at the time of the registration of the FIR. Present petitioner, who is not involved in any other criminal case, is behind bars for the last more than 1 year and 3 months and it will take considerable time for the trial to conclude as till date, no prosecution witness is examined. In the given circumstances, no purpose is going to be served by keeping the petitioner in custody for any longer period.

7. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

April 2, 2025
Paritosh Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No