

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

CRM M-20523 of 2021 (O&M)

Date of Decision: August 17, 2021

Jagbir		...Petitioner
	Versus	
State of Haryana		... Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

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

Mr. Gaurav Jindal, Addl. A.G., Haryana
for the respondent-State.

FATEH DEEP SINGH, J. (Oral)

The matter has been taken up through
video-conferencing on account of outbreak of pandemic COVID-
19.

The allegations against petitioner Jagbir in this first
petition under Section 439 Cr.P.C. for grant of regular bail in
case FIR No. 228 dated 11.09.2019 registered under Section
15/61 of N.D.P.S. Act 1985 at Police Station Sadar Narwana,
District Jind are as follows:-

“On 11.09.2019 on the basis of secret information police stopped one truck, a Swift car and a Bolero pickup jeep latter bearing registration No. HR-56B-34316. From the search of the jeep petitioner alongwith Hajari Lal and Naseeb co-accused/non applicants were found to be sitting whereas one of the persons subsequently identified as Babloo managed to escape. From the search of the jeep 409 kilograms and 440 grams of poppy husk was recovered”.

Counsel for the petitioner *inter alia* contends that the petitioner is behind the bars since more than 01 year and 11 months and that there is no other criminal case of similar nature against the petitioner. It is claimed that it is the case of political rivalry and that petitioner has never been alleged to be in conscious possession of the contraband.

Mr. Gaurav Jindal, Addl. A.G. Haryana on behalf of the State though does not displace the facts and has duly conceded that the petitioner is not facing any other criminal

case by placing on record the custody certificate but has opposed the prayer on the ground that more than commercial quantity of the contraband has been recovered from the petitioner.

Admittedly, the petitioner is behind the bars for almost 01 year and 11 months and the co-accused of the petitioner has already been allowed bail by this Court. The only allegations against the petitioner are that he was sitting alongwith co-accused in the Bolero jeep from where the contraband is recovered. Thus, a debatable issue arises over the very conscious possession of the petitioner which can only be decided at the time of the trial. Keeping in the principle of parity and the fact that the authorities are making efforts in view of the present pandemic to decongest the jails and that in similar circumstances as in the cases CRM M-16336 of 2020 (O&M) decided on 29.07.2020 titled as **Sanjay Kumar Vs. State of Punjab**, CRM M-15530 of 2020 (O&M) decided on 24.07.2020 titled as **Sagar Arora Vs. State of Punjab**, CRM M-19285 of 2020 decided on 06.08.2020 titled as **Taranjit**

Singh @ Tarni Vs. State of Punjab, CRM-M 46318 of 2019 decided on 17.12.2019 **Jagsir Singh @ Seera Vs. State of Punjab** and CRM M-16824 of 2020 decided on 30.06.2020 titled as **Raj Kumar Vs. Narcotic Control Bureau, Chandigarh**, the Court has taken a lenient view for granting bail as the trial is not likely to be concluded in near future. Accordingly, the application is allowed and the petitioner is ordered to be released on regular bail subject to their furnishing of heavy bail bonds in the sum of Rs.2 lac with two sureties in the like amount each to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, concerned

However, it is made clear that anything observed herein shall not be construed as an expression of opinion on the merits of the case.

Disposed off accordingly.

August 17, 2021
amit rana

(FATEH DEEP SINGH)
JUDGE

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

