

CRM-M-9529 of 2022

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

**(Proceedings through video conferencing)**

CRM-M-9529 of 2022  
Date of decision: 10.03.2022

Jagsir @ Ghuaghru

.....Petitioner

vs.

State of Haryana

.....Respondent

**CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA**

Present: Mr. R.V.S. Chugh, Advocate, for the petitioner.  
Mr. Saurabh Mago, Assistant Advocate General, Haryana.

**ASHOK KUMAR VERMA, J. (ORAL)**

Through instant fourth petition under Section 439 Cr.P.C. petitioner seeks the grant of regular bail in FIR No.406 dated 15.07.2016 registered under Sections 15 and 27-A of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Sections 147, 149, 332, 353, 186, 224 and 225 IPC, at Police Station Sadar Ratia, District Fatehabad.

The brief facts of the case are that on 15.07.2016, during the course of Nakabandi, the petitioner came on a car from the side of Ratia, who on seeing the police party turned the car towards the village and police personnel chased him. When the Police party reached near the house of the petitioner, he was found entering his house after unloading the bags from the car. On hearing the call of Police party, he tried to run away. When the Police party tried to overpower him, his wife Nisha and

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several other co-accused gathered at the spot and attacked upon them and helped Jagsir Singh in running away. On checking room, 12 bags containing Poppy Husk were recovered, out of which 6 bags were containing 20 Kgs. each, seventh bag was containing 10 Kgs., four bags were containing 13 Kgs. and one another bag was containing 8 Kgs. Poppy Husk. After separating two samples of 100 Grams each from each bag, the sample parcels and bags were taken into possession.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case on the basis of alleged disclosure statement of co-accused, which has no evidentiary value. Mother of the petitioner is suffering from hypertension. There is no male member in the family to look after his mother except the petitioner. Petitioner is in custody since 19.11.2018. Conclusion of petitioner's trial may take a sufficient long time especially in the prevailing circumstances due to Covid-19 pandemic. Therefore, no useful purpose would be served by keeping the petitioner in custody.

On the other hand, learned State counsel vehemently opposed the grant of bail to the petitioner that he is a habitual offender. Petitioner has not produced medical record from any Government hospital, which can show that his mother is suffering from any ailment. He further argued that this is the fourth bail application and earlier bail applications filed on behalf of the petitioner have already been dismissed by this Court.

I have heard learned counsel for the parties and gone through the record.

According to the prosecution, 190 kgs of poppy husk was

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recovered from the room of the petitioner, who is allegedly actively involved in the work of transportation of narcotics. The alleged recovery of contraband falls under the category of “commercial quantity”.

Perusal of medical record (Annexure P-4) produced by the petitioner does not show that his mother is suffering from any serious ailment.

Moreover, this is the fourth petition for grant of regular bail to the petitioner. Successive bail applications cannot be considered for bail until and unless there is change of circumstance or sufficient reason to grant bail to the accused. Learned counsel for the petitioner has failed to show any just reason to reconsider the question of bail to the petitioner.

In view of the above, I find that the petitioner is not entitled to be released on bail. The petition is liable to be dismissed.

Consequently, the petition is dismissed.

**March 10, 2022**  
R.S.

**(Ashok Kumar Verma)**  
**Judge**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No