



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

CRM-M-8599-2025

Date of decision : 20.02.2025

Jagsir Singh @ Lambu @ Jaggu

.....Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Kuldeep Singh Siwach, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed by the petitioner praying for grant of regular bail to him in case FIR No.265 dated 30.09.2024, under Section 21(b), (Act No.61) of NDPS Act and Section 27-A of NDPS Act added later on, registered at Police Station City Fatehabad, District Fatehabad.

2. Succinctly facts of the case are that police party while on patrolling on 30.09.2024 saw two young persons coming on motorcycle. On seeing the police, they got perplexed and turned their motorcycle. On suspicion, they were stopped. On asking, the driver of the motorcycle disclosed his name as Iqbal Singh @ Ishu whereas, the person sitting pillion disclosed his name as Jagseer Singh @ Raju. On suspicion, they were given the offer to be searched and then on conducting the search of Jagseer Singh @ Raju, 5.30 grams of Heroin was recovered from him. They failed to produce any license regarding the possession of the same and hence, the FIR was registered and both of them were arrested on the spot. On registration of the FIR, investigation commenced and during

investigation, co-accused made a disclosure statement to the effect that they

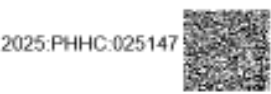


purchased the contraband from Jagsir Singh @ Lambu @ Jaggu (petitioner). Hence, petitioner was also arrayed as an accused in the FIR and he was arrested on 31.12.2024. He approached the Court of learned Special Judge, Fast Track Court, Fatehabad however, on hearing counsel for the parties, the same was declined vide order dated 03.02.2025. Hence being aggrieved, petitioner is before this Court by way of filing the present petition.

3. Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. He has submitted that neither the petitioner was arrested on the spot nor there any any recovery made from him. However, he has been implicated in this case on the basis of disclosure statement of co-accused from whom allegedly 5.30 grams of Heroin was recovered. He submits that the quantity recovered is non-commercial. It is submitted that the same is marginally above the small quantity which is 05 grams. He submits that though petitioner is falsely implicated in 05 more cases, however, he is on bail in those cases in which the allegations are of recovery of non-commercial quantity. He thus, submits that in the facts and circumstances of the case, petitioner deserves to be granted regular bail.

4. Learned State counsel however, has opposed the submissions made by counsel for the petitioner. He submits that petitioner is a habitual offender as he is involved in 05 more cases. He submits that investigation in the present case is complete, challan is presented however, charges are yet to be framed.

5. After hearing counsel for the parties and perusing the record, it is deciphered that petitioner has been arrayed as an accused on the basis of disclosure statement of co-accused from whom recovery of 5.30 grams of



Heroin was effected. There is no gainsaying that as per the mandate of the Act, the small quantity of Heroin is less than 05 grams whereas in the present case, the recovery is 5.30 grams which would be marginally above the small quantity. Though petitioner is involved in 05 more cases but the same belongs to non-commercial quantity and petitioner is stated to be on bail in those cases. Even otherwise, his implication in other cases is no ground for consideration of his bail in the present case.

6. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

20.02.2025
m.sharma

(**RAJESH BHARDWAJ**)
JUDGE

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