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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-30691-2024
Date of decision:-05.05.2025

JAGDISH @ JAGDEESH

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. P.S.Sekhon, Advocate for the petitioner.

Mr. Surender Singh, AAG, Haryana.

SANJIV BERRY, J.(ORAL)

The instant petition has been preferred by the petitioner under
Section 439 Cr.P.C for grant of regular bail in the following case:-

FIR No.	Dated	Sections	Police Station
416	05.08.2023	15-C, 29 of NDPS Act and 201 of IPC	Sadar Fatehabad, District Fatehabad

2. Arguments heard.
3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that petitioner has no concern with the allegations levelled in the FIR nor is he in any manner connected with the contraband allegedly recovered by the police and is in custody since 09.10.2023. The petitioner is not having any criminal antecedents. He contends that even the car from which the contraband was recovered is not belonging to the petitioner and



was found in an accidental condition. He contends that the conclusion of trial will take sufficient long time, hence prayed for grant of concession of regular bail to the petitioner.

4. *Per contra*, learned State counsel referring to the reply submitted by the State, has assailed these arguments by submitting that the accidental car belongs to the father of the petitioner and as per location of the mobile phone of the petitioner, was found near the place of recovery, hence prays for dismissal of the bail petition.

5. After considering the rival contentions and perusing the record, it transpires that on 05.08.2023 police party recovered 140 kg of poppy husk from a abandoned car in an accidental condition, subsequently, the petitioner was arrested on 09.10.2023 on the alleged disclosure statement of Malkeet Singh and the said Malkeet Singh has already been granted concession of bail. Admittedly, no recovery of the contraband has been effected from the petitioner and as per the case of the prosecution he has been allegedly connected with the contraband as the said car belongs to his father and location of mobile phone was near the place of the occurrence on the said date. As per the learned counsel for the petitioner, the father of the petitioner was having three sons and the prosecution has pin pointed the petitioner without any rhyme and reason and the phone location by itself is not cogent evidence to establish the presence of the petitioner on the spot. Such question raised by the prosecution connecting the petitioner with the alleged recovery are debatable at this stage and can only be established during course of trial. As stated above, consequent upon the arrest of the petitioner on 09.10.2023,



challan has already been presented in Court and the trial is going on and the conclusion thereof will take sufficient long time and as such, no purpose would be served by detaining the petitioner any longer.

6. Resultantly, in these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. It is further made clear that in case the petitioner is again found involved in any case under NDPS Act, after his release on bail, it will be open for the prosecution to move an application for cancellation of his bail in accordance with law.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

9. Pending application(s) if any shall also stand disposed of.

(SANJIV BERRY)
JUDGE

05.05.2025

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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No