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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-32653-2023
Date of decision:-06.03.2025

JAGTAR SINGH
Versus
STATE OF PUNJAB
... Petitioner
... Respondent

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

Present:- Mr. Arshdeep Singh Brar, Advocate for the petitioner.
Mr. Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J.(ORAL)

The instant petition has been preferred by the petitioner under Section 439 of the Criminal Procedure Code, for grant of regular bail in the following case :-

FIR No.	Dated	Sections	Police Station
131	23.06.2022	15, 29 NDPS Act (473 IPC added later on)	Bhaghapurana District Moga

2. 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 no recovery as alleged by the prosecution has ever been effected from the petitioner or the co-accused. The petitioner is in custody since 23.06.2022, after completion of investigation challan has already been presented. The petitioner is not having any criminal antecedents and after spending sufficient long time in custody the petitioner has since been granted concession of interim bail vide order dated 28.07.2023. He as such prayed for



grant of regular bail by confirming the interim bail already granted to him.

3. *Per contra* learned State counsel referring to the reply filed by the State has assailed these arguments by submitting that 40 kg of poppy husk was recovered from the car wherein the petitioner alongwith co-accused Shagandeep Singh was travelling and subsequently on the basis of disclosure statement of the petitioner another 12 kg of poppy husk was recovered from his conscious possession, as such he does not deserve concession of bail.

4. After considering the rival contentions and perusing the record, it transpires that as per the case of the prosecution the police party had apprehended the petitioner while travelling in a car with co-accused Shagandeep Singh on 23.06.2022 and from their conscious possession recovery of 40 kg of poppy husk was effected. Later on, during course of interrogation the petitioner suffered disclosure statement leading to recovery of another 12 kgs of poppy husk from his house. Co-accused Shagandeep Singh has already been granted concession of bail on 01.05.2023 (Annexure P-2) passed in CRM-M-39338-2022. Admittedly the petitioner has already been granted concession of interim bail vide order dated 28.07.2023 passed by Co-ordinate Bench. It is not disputed that the petitioner is regularly appearing in the trial and is not having any other criminal antecedents. The conclusion of trial to ascertain criminal liability, if any, will take sufficient long time.

5. Keeping in view the fact that the recovery is marginally higher than the non commercial quantity and the petitioner after being granted interim bail by Co-ordinate Bench has not misused the same and is having no criminal antecedents, in these circumstances, without commenting on the



merits of the case, the interim bail granted to the petitioner vide order dated 28.07.2023 is hereby confirmed, the present petition is allowed with the direction to the petitioner 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.

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

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

(SANJIV BERRY)
JUDGE

06.03.2025

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