

2025:PHHC:113712



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

CRM-M-34075-2025 (O&M)

Reserved on : 20.08.2025

Pronounced on : 27.08.2025

Jagdev Singh Dhaliwal @ Jagdev Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Najar Singh, Advocate and
Mr. Navmohit Singh, Advocate
for the petitioner.

Ms. Himani Arora, DAG, Haryana.

MANISHA BATRA, J.

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in FIR No. 0075 dated 05.04.2025, registered under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) [Sections 27A and 29 of the NDPS Act added later on] at Police Station City Pehowa, District Kurukshetra.

2. Brief facts of the case relevant for the disposal of the present petition are that on 05.04.2025, a secret information was received by a police party headed by ASI Pardeep Kumar to the effect that co-accused Rakesh Kumar, who was working as driver on a truck bearing registration number PB-13-AR-8534, was coming from Ludhiana on that day. It was also informed that he used to bring poppy husk while returning from Kolkata and Jharkhand and even on that very day, he was bringing poppy husk in his truck. Believing the information to be reliable, a barricading was done at the informed place and

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above named co-accused, while coming in the aforesaid truck, was apprehended by the police party and recovery of 197 kgs. 400 grams of poppy husk was effected from the said vehicle. Since the co-accused could not produce any valid license or permit to keep in his possession the recovered contraband, he was formally arrested at the spot. Recovered contraband was taken into possession by the police. Upon interrogation, he disclosed that the present petitioner was the registered owner of the said vehicle and the petitioner had bought the recovered contraband from one Som Nath Pathak in Jharkhand, which he was transporting in the truck being driver of the same. It also surfaced that the petitioner had given an amount of Rs.3 Lakhs to the co-accused/driver to bring the contraband from said person. On the basis of the same, the petitioner was nominated in this case as an accused and was arrested on 06.04.2025. After completion of necessary investigation and usual formalities, *challan* was presented before the Court and presently, the petitioner along with the co-accused is facing trial for commission of aforesaid mentioned offences.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. He was neither named in the FIR nor in secret information. He has been nominated in this case on the basis of the disclosure statement suffered by the co-accused, which is not admissible in evidence. There is nothing on record to prove any communication between the petitioner and co-accused. The petitioner has clean antecedents and is not involved in any other case. Even otherwise, investigation has since been completed and *challan* has been filed. Conclusion of trial is likely to take time. The petitioner is in custody since 06.04.2025. No useful purpose would be served by keeping him in custody anymore. It is, therefore, urged that the

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petition deserves to be allowed.

4. Status report has been filed by the respondent-State. It is submitted therein and learned Deputy Advocate General, Haryana has argued that though the petitioner has been nominated in this case based on the disclosure statement suffered by above named co-accused but during the course of investigation, his complicity in the subject crime has been duly established. The petitioner is the registered owner of the said truck, and it was on his instructions that the co-accused was bringing the contraband. The petitioner and co-accused were in constant touch over phone during relevant time. It is submitted that since a commercial quantity of contraband has been recovered in this case, the rigors of Section 37 of the NDPS Act would be attracted against the petitioner. Trial is going at a proper pace. It is also argued that if the petitioner is released on bail, he may abscond or indulge in the similar offences. It is, thus, argued that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

6. The petitioner has been nominated in this case on the disclosure of co-accused Rakesh Kumar, who was apprehended by the police party on 05.04.2025 and from whose truck, recovery of 197 kgs. 400 grams of poppy husk was effected. The quantity of the recovered contraband is huge and obviously falls under commercial quantity. The petitioner is alleged to be the purchaser of the said contraband and the registered owner of the said truck. It was on his instructions that the contraband was purchased from co-accused Som Nath Pathak and was being transported in his truck. The allegations against the petitioner are quite serious in nature. Investigation has since been completed and

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challan has been filed. Trial is going on and there is nothing on record to show that there would be any undue delay in conclusion of the same. The apprehension expressed by learned State counsel that if the petitioner is released on bail, he may abscond or indulge in similar offences, can also not be stated to be unfounded at this stage. Keeping in view the aforesaid facts and circumstances, the quantity of recovered contraband, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, I am of the considered opinion that the petitioner does not deserve to be granted benefit of regular bail, at this stage. Hence, the petition is dismissed.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

27.08.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No