



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

120

CRM-M-44857-2025
Decided on : 20.11.2025

Jagdeep @ Chandi Ram @ Chandi . . . Petitioner(s)
Versus
State of Haryana . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Shivansh Malik, Advocate
for the petitioner(s).

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed here-under:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Jagdeep @ Chandi Ram @ Chandi	125	18.02.2024	18(b) of NDPS Act, 1985 [S. 29 of NDPS Act & S. 420, 467, 468, 471, 474, 201 of IPC, added later on]	Camp Palwal	Palwal

2. As per the case of the prosecution, a Swift Dzire car bearing registration No. HR29-AR-8613 was found occupied by two persons, namely Rahul and Sonu. During search of the vehicle, a recovery of **2.550 kg** of opium was effected from beneath the passenger seat on which accused Rahul was sitting, and another **2.580 kg** of opium was recovered from beneath the driver's seat occupied by accused Sonu. Subsequent to their arrest, the present petitioner was nominated as an accused solely on the basis of the disclosure statement of co-accused Rahul.



3. Learned counsel for the petitioner argues that both the main accused, named in the FIR, i.e., Rahul and Sonu, have been granted concession of bail by this Court. In this regard, learned counsel refers to order dated 21.05.2025, passed in CRM-M-52440-2024, titled as, "*Sonu v. State of Haryana*" and order dated 16.07.2025, passed in CRM-M-33141-2025, titled as, "*Rahul v. State of Haryana*" (appended as Annexures P-7 & P-8, respectively). Thus, he submits that case of the petitioner is on even better footings than the case of already bailed out main accused – Rahul and Sonu.

Accordingly, on the ground of parity, as well as keeping in view that the petitioner's implication rests solely on the disclosure statement of the co-accused and no recovery has been effected from him, it is prayed that the petitioner also deserves to be extended the same benefit of regular bail.

4. On the other hand, learned State counsel has filed the reply dated 02.09.2025, by way of affidavit of Manoj Verma, HPS, DSP, Palwal, District Palwal, on behalf of the respondent – State, in Court today. Same is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

A copy thereof has been handed over to the counsel for the petitioner.

5. Learned State counsel, while opposing the prayer for bail, submits that the petitioner has been named on the basis of the disclosure statement made by accused - Rahul, from whose possession 2.550 kg of opium was recovered.

Though, learned State counsel candidly admits that no recovery of any narcotic contraband has been effected from the petitioner, and his implication rests solely upon the disclosure statement of the main accused –



Rahul, but he very heavily places reliance upon paragraph Nos. 10, 12 & 14 of the preliminary submissions of the reply so filed today in Court. For reference, same are reproduced here-under:-

“10. That one Pankaj, holder of mobile no. 7988106571 was joined in the investigation and he told that he had got issued the said mobile number upon his ID and had handed over the said number to accused Sonu who lives in his village. The said number remained with Sonu and was being used by him. As per call details, the accused Sonu, Rahul and Jagdeep @ Chandi (petitioner) were found be at Faraunda, Distt. Maharajganj (U.P.). The details regarding the above mentioned vehicle no. HR-29-AB-8632 (linked with the IDFC Fastag) were obtained. The said vehicle was found to be a Bajaj Discover motorcycle and the same was found to be in the name of one Devender Kumar and the same was found to be used by his elder brother Brij Mohan Gupta. He told that he has not got issued any Fastag on his motorcycle and he has never applied for the same. He further told that somebody has fraudulently got issued the Fastag by fraudulently using the number of his motorcycle. Section 420, 467, 468, 471, 474 IPC were added in the present case. Regarding the said Fastag, accused Dharmender @ Dharma had told that they had got issued the Fastag from an unknown person at Asaunda KMP toll plaza. However, no clue regarding the said person could be found.

11. xx xxx xx xxx

12. That the role of the petitioner in the present case is that accused Dharma told the petitioner that Rahul needed opium and would send some advance money. On his instructions, Rahul transferred 270,000/- from his account (mobile no. 9254499000) to account of the petitioner. On 17.02.2024, Dharma called the petitioner from his WhatsApp number 8168016354 to WhatsApp number 9729510060 of the petitioner and called the petitioner to Sanauli Border (U.P.). There, Dharma met the petitioner carrying a black bag containing two packets of opium, each about 2.5 kg (total around 5 kg), wrapped with khaki-colored tape. He told the petitioner that this consignment had to be delivered to Rahul. Afterwards, Dharma and the petitioner boarded public transport



and went to Farenda Chowk, Anand Nagar (U.P.), near Sanauli Border. From WhatsApp number, the petitioner called Rahul (mobile no. 9254499000) to Anand Nagar, where he arrived in a white Swift Dzire car bearing registration no. HR-29-AR-8613 along with another boy Sonu. We handed over the two khaki-taped packets of opium (approx. 5 kg total) to Rahul and Sonu. In exchange, Rahul and Sonu paid 220,000 - to the petitioner & Dharma, out of which Dharma kept Rs.10,000/- and gave 210,000/- to the petitioner. The copy of account statement of the petitioner is attached herewith as annexure R-5.

13. *xx xxx xx xxx*
14. *That as per available record, the petitioner is also involved in following cases :-*
- (i) FIR No. 28 dated 24.01.2018, U/s 160, 283 of IPC, P.S. City Narwana,*
 - (ii) FIR No. 269 dated 15.09.2020, U/s 379 of IPC, P.S. Civil Line, Kaithal,*
 - (iii) FIR No. 187 dated 29.06.2021, U/s 380 of IPC, P.S. Rajouda, Kaithal*
 - (iv) FIR No. 517 dated 11.09.2021, U/s 379, 411 of IPC, P.S. City Kaithal,*
 - (v) FIR No. 51 dated 05.10.2022, U/s 379, 411 of IPC, P.S. Sadar Kaithal*
 - (vi) FIR No. 42 dated 30.01.2023, U/s 379, 411 of IPC, P.S. City Kaithal*
 - (vii) FIR No. 172 dated 27.04.2024, U/s 380, 457 of IPC, P.S. City Kaithal.”*

Therefore, in view of above, learned State counsel prays for dismissal of the present regular bail petition.

6. I have heard learned counsel for the parties and have carefully perused the record, including the reply filed on behalf of the State.

7. At this stage, it is not disputed by the State that no recovery of any narcotic drug or psychotropic substance has been effected from the petitioner, nor was he present in the recovered Swift Dzire car at the time of arrest of the



main accused – Rahul and Sonu. His implication in the present case rests entirely upon the disclosure statement of co-accused Rahul.

8. It is further undisputed that both the main accused – Rahul and Sonu – from whose conscious possession a total of 5.130 kg of opium was recovered, have already been granted regular bail by Coordinate Benches of this Court vide orders dated 21.05.2025 and 16.07.2025. Once the principal offenders are already on bail, the case of the petitioner, against whom no recovery has been effected, *prima facie* stands on stronger footing for parity, subject to other relevant considerations.

As regards the petitioner's alleged involvement in other FIRs under the IPC relating to theft and similar offences (as noted in para 14 of the reply), the record does not show that he stands convicted in any of them. Mere pendency of such cases, without any proven conviction, cannot by itself defeat the claim for bail—particularly when the main accused in the present case are already on bail. In these circumstances, further incarceration of the petitioner, whose role is yet to be established through admissible evidence, would not be justified.

9. Accordingly, and without commenting upon the merits of the case lest it may prejudice either side during trial, this Court is of the considered view that the petitioner has made out a case for grant of regular bail, particularly on the ground of **parity**, absence of **personal recovery**, the **nature of evidence**, and the **period of custody already undergone**.

Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/



Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

10. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

11. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

12. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

13. Petition stands **disposed of**.

 Misc. application(s), if any, also stand disposed of.

(SANJAY VASHISTH)
JUDGE

November 20, 2025
J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*