



CRM-M-47509-2025

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

**CRM-M-47509-2025**  
**Date of Decision: 03.11.2025**

**JAGGA SINGH**

**... Petitioner**

**Versus**

**STATE OF PUNJAB**

**...Respondent**

**CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI**

Present: Mr. G.S. Nahel, Advocate with  
Ms. Diksha, Advocate  
for the petitioner.

Mr. M.S. Toor, Asstt. A.G., Punjab.

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**JASJIT SINGH BEDI, J.**

The prayer in the present petition under Section 483 BNSS, 2023 is for the grant of regular bail in case bearing FIR No.25 dated 12.02.2024 registered under Sections 15 & 29 of NDPS Act at Police Station STF, District SAS Nagar, Mohali.

2. The brief facts of the case are that secret information was received that Takha Singh and Jagga Singh-petitioner were in the business of sale of poppy husk and would be travelling in their respective vehicles to load the same and supply to their customers. If a raid is conducted, the said persons could be nabbed. Based on this information, the FIR in question came to be registered. On the secret information received, the police party reached near a Dhaba. They observed two XUV cars parked on the road. One was of a black colour car bearing registration No.PB-13-BB-8729 and the

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other was a silver colour bearing registration No.PB-10-3200. Four-five persons were seen loading black coloured bags in the car. On noticing the police party, the accused ran away from the spot in their respective cars. They were chased but could not be apprehended. Later, when the police party returned to the spot they noticed 8 black coloured polythene bags lying on the road side which was found to contain 20 kgs of poppy husk each totalling 160 Kgs.

3. Meanwhile, further secret information was received that the black coloured XUV car bearing No.PB-13-BB-8729 was parked near the Bhakhra Canal at Patiala. The police party reached the spot but no person was found nearby. On checking the car, it was found to be unlocked and three black coloured bags were recovered containing 20 kgs poppy husk each totalling 60 kgs. The vehicle was taken into possession.

4. During the course of investigation, Takha Singh was arrested on 18.05.2024 and disclosed about the commission of offence. He also disclosed that the poppy husk which they had ordered was being transported in his black coloured XUV car bearing No.PB-13-BB-8729 and another silver coloured XUV car bearing No.PB-10-3200 belonging to the present petitioner.

5. Based on his disclosure statement Jagtar Singh @ Taaru, the brother of the petitioner was nominated as an accused. Based on a subsequent disclosure statement, one Sukhwinder Singh @ Sukhi was nominated as an accused. Later, one Lakhvir Singh @ Ladi too was nominated as an accused.

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6. The learned counsel for the petitioner contends that the petitioner had filed CRM-M-16913-2024 before this Court seeking grant of anticipatory bail. However, he had been arrested. During the pendency of the said case, an SIT had been constituted by this Court. CCTV footage was presented before the SIT along with a DVR showing that the contraband was being planted in the car of the co-accused of the petitioner by the police officials named in the present FIR as being members of the raiding party. As per the report of the FSL, it has been found that the CCTV footage had not been edited or morphed. However, the DVR is stated to have been purchased after the occurrence. Be that as it may, once the Forensic Science Laboratory itself has found that the CCTV footage showing the police party planting contraband in the car of the co-accused is not edited/morphed, it creates a doubt in the case of the prosecution. As the petitioner is in custody since 23.08.2024 but only 01 of the 41 prosecution witnesses has been examined so far, the trial of the present case is not likely to be concluded anytime soon and therefore, he is entitled to the concession of bail.

7. A short reply dated 02.11.2025 by way of an affidavit of Sanjeev Goyal, PPS, Deputy Superintendent of Police, Anti Narcotics Task Force, Patiala Range, Patiala has been filed on behalf of the State by the learned counsel for the State. The same is taken on record. While referring to the reply, he contends that the SIT had sent the CCTV footage and the DVR for analysis. It has been found that the DVR was purchased after the occurrence. The original DVR which was installed in the Dynamic Gym



Bhawanigarh had been burnt due to shot circuiting. Once the DVR itself has been purchased after the occurrence and the actual date and time of the video recording found on the CCTV footage is not the date of the occurrence, it cannot be contended that the contraband has been planted upon the co-accused. He therefore, contends that the present petition is liable to be dismissed. He however, concedes that the petitioner is in custody since 23.08.2024 but only 01 of the 41 prosecution witnesses has been examined so far.

8. I have heard the learned counsel for the parties.

9. As per the case of the prosecution, the petitioner along with his co-accused had been duly named in the FIR and are alleged to have been dealing with contraband. Be that as it may, there is CCTV footage to the effect that the contraband was being planted in the vehicle of the co-accused by the very same police officials who have constituted the raiding party and are duly named in the FIR. The CCTV footage does not show any editing or morphing. Though, the DVR is shown to have been purchased later on, a doubt is certainly created in the mind of the Court regarding the veracity of the prosecution case against the petitioner. The benefit of doubt in such a case must accrue to the petitioner even though he is a habitual offender with two other cases registered against him.

10. Thus without commenting on the merits of the case, the present petition is allowed and petitioner-Jagga Singh S/o Budh Singh is ordered to



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be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

11. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the cases mentioned in this order.

12. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.1,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

13. The petition stands disposed of.

(JASJIT SINGH BEDI)  
JUDGE

03.11.2025

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