



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-51278-2025

JAGDIP @ JAGDEEP @ KALAPetitioner

Versus

STATE OF HARYANARespondent

CRM-M-54554-2025

KULDEEP KUMAR ALIAS BOXERPetitioner

Versus

STATE OF HARYANARespondent

Decided on : 12.12.2025

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Abhishek Joon, Advocate, and
Mr. L.S. Sekhon, Advocate,
for the petitioner (in CRM-M-51278-2025).

Mr. Sanchit Punia, Advocate,
for the petitioner (in CRM-M-54554-2025).

Mr. Amish Sharma, AAG, Haryana.

SANJAY VASHISTH, J.

1. By this common order, both the aforementioned petitions, i.e. CRM-M-51278-2025 and CRM-M-54554-2025 shall stand disposed of.
2. Present petitions have been filed under section 483 of BNSS, seeking grant of regular bail, in case, FIR No.397, dated 14.07.2024, under Sections 20-C, 27-A and 29 of NDPS Act, registered at Police Station City Tohana, District Fatehabad.



3. Earlier bail petition, i.e. CRM-M-8423-2025 filed by the petitioner – Jagdip alias Jagdeep alias Kala, was dismissed as withdrawn, vide order dated 09.07.2025, with the liberty to file a fresh one, once again, after completion of one year custody period. Hence, present is the second bail petition filed by him.

4. Learned counsel for the petitioners contends that, as per case of the prosecution, on the basis of secret information received by the police party, a raid was conducted during which a Tata truck (10-tyre) bearing registration No.HR 73-7308, loaded with goods in its rear body, was found parked on the opposite side of the road. Upon searching the truck, a young boy driving the vehicle disclosed his name as Sunil alias Malua, while the person seated on the conductor's side disclosed his name as Tushar. Search of the truck cabin led to the recovery of five sacks of *ganja* (20 kg + 20 kg + 20 kg + 20 kg + 10 kg) kept behind the driver's seat.

On the basis of disclosure statement of accused Sunil alias Malua, names of two other accused, namely Jagdip alias Jagdeep alias Kala and Kuldeep Kumar alias Boxer (petitioners herein), were also mentioned and they were implicated in the present case.

5. Learned counsel for the petitioners submits that six other cases, including two under the NDPS Act, are registered against petitioner Jagdip alias Jagdeep alias Kala, and seven other cases, including three under the NDPS Act, are registered against petitioner Kuldeep Kumar alias Boxer. It is argued that both the petitioners were already known to the police officials, and their implication in the present



matter is based solely on the inadmissible disclosure statement of the co-accused.

6. It is further submitted that both the petitioners are in custody since 25.09.2024, i.e., for a period of approximately 1 year, 2 months, and 17 days. Despite their interrogation, nothing incriminating was recovered from their possession to connect them with the alleged offence under the NDPS Act. Counsel also submits that petitioners have never been convicted under the NDPS Act, and therefore, mere pendency of some cases, should not be taken as a ground to deny bail to them in the present case.

It is further argued that after completion of investigation, already, *challan* has been presented and charges were also framed on 25.02.2025. There are total 25 prosecution witnesses, and till date, none has been examined. Thus, conclusion of trial is likely to take considerable time. Thus, counsel jointly pray for grant of regular bail to the petitioners.

7. In response to the arguments addressed by learned counsel for the petitioners, learned State counsel, produces the custody certificates in the Court today, which are taken on record. Office to tag the same at appropriate place. A copy thereof has been handed over to the counsel for the petitioner.

As per the custody certificate, in the present case, both the petitioners have already undergone 01 year, 02 months and 17 days, period inside jail.



8. Learned State counsel, while opposing the prayer and submissions advanced on behalf of the petitioners, submits that petitioners are habitual offenders under the NDPS Act and are also involved in cases punishable under the Indian Penal Code. It is stated that six other cases, including two under the NDPS Act, are already registered against petitioner Jagdip @ Jagdeep @ Kala, and seven other cases, including three under the NDPS Act, are registered against petitioner Kuldeep Kumar alias Boxer. In view of their criminal antecedents, it is argued that petitioners do not deserve any sympathetic consideration for the purpose of bail. Thus, learned State counsel prays for dismissal of both the petitions.

9. This Court has heard the submissions addressed by learned counsel for the parties and has also perused the record available on file.

10. Admittedly, both the petitioners are in custody since 25.09.2024, i.e., for a period of about 1 year, 2 months, and 16 days, and till date, none of the 25 prosecution witnesses has been examined. Further, order dated 09.07.2025 passed in CRM-M-8423-2025 by co-ordinate Bench of this Court gives an implied indication that plea for bail becomes worth consideration, once petitioner Jagdip @ Jagdeep @ Kala has completed one year of custody period and same reasoning, by necessary implication, would also apply *qua* his co-accused, petitioner Kuldeep Kumar alias Boxer.

11. In view of the totality of circumstances, including the nature of allegations, the prolonged incarceration already undergone by the petitioners without the examination of even a single prosecution witness,



absence of any recovery from their possession, and the factors noticed hereinabove, this Court deems it appropriate to extend the concession of regular bail to both the petitioners.

Consequently, prayer made in the present petitions are **allowed**. Both the petitioners, namely Jagdip alias Jagdeep alias Kala (in CRM-M-51278-2025) and Kuldeep Kumar alias Boxer (in CRM-M-54554-2025) are ordered to be released on bail, subject to their 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.

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

13. Any of the discussion done and recorded here above, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible, in accordance with law.

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

15. Both the petitions stand disposed of.

16. A photocopy of this order be placed on the file of other connected case.

(SANJAY VASHISTH)
JUDGE

12.12.2025
Lavisha

Whether Speaking/Reasoned: **YES/NO**
Whether Reportable: **YES/NO**