



261

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-56606-2024
Date of decision:-07.03.2025

JUGRAJ SINGH ALIAS JOGA

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

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

Present:- Mr. Ruhani Chadha, Advocate for the petitioner.

Mr. Jatinder Pal Singh, Sr. 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 (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
105	07.08.2024	15, 25, and 29 of NDPS Act	Kot Ise Khan, District Moga

2. Arguments heard.
3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case and is in custody since 02.09.2024. He submits that no recovery of contraband has been effected from him nor he has any concern with the alleged recovery effected from the co-accused. The name of the petitioner surfaced in the disclosure statement of co-accused Pippal Singh and consequent to the arrest



of the petitioner, no recovery has been effected from him, as such he prays for grant of regular bail to the petitioner.

4. *Per contra*, learned State counsel referring to the reply submitted by the State, has opposed the bail petition by arguing that petitioner had actively connived with the co-accused in the smuggling of poppy husk as such he does not deserve concession of bail. However, on query, he clarified that no recovery of contraband has been effected from the petitioner and he was nominated on the disclosure statement of co-accused Pippal Singh.

5. After considering the rival contentions and perusing the record, it transpires that the instant FIR was registered on the basis of secret information that one Pippal Singh and his son Inderjit Singh @ Labha alongwith petitioner were indulging in smuggling of poppy husk, accordingly a raid was conducted and one four wheeler was spotted where from 600 kgs of poppy husk was recovered. Later Pippal Singh, who had already in judicial custody was taken on production warrants and arrested in the case, disclosed his son Inderjit Singh having been smuggling the poppy husk in connivance with the petitioner. Accordingly, the petitioner was arrested on 02.09.2024, since then he is in custody. The said Inderjit Singh had not been arrested. It is not disputed that no recovery of contraband was effected from the petitioner, consequent upon his arrest. The presentation of challan and consequent conclusion of trial will take sufficient long time and there is no recovery effected from the petitioner in the case, no purpose would be served by detaining the petitioner in custody any longer.



6. Resultantly, in these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking 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.
7. It is further made clear that in case the petitioner is found involved in any case under NDPS Act, after his release on bail, it will be open for the prosecution to move an application for cancellation of his bail in accordance with law.
8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.
9. Pending application(s) if any shall also stand disposed of.

(SANJIV BERRY)
JUDGE

07.03.2025
Gyan

- | | | |
|-----|----------------------------|--------|
| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |