



CRM-M-25810-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

103

CRM-M-25810-2025
Decided on: 24.02.2026

Jagsir Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Saurav Bhatia, Advocate and
Mr. K.S. Billing, Advocate
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG Haryana

SANJAY VASHISTH, J. (ORAL)

1. Prayer in this petition, filed under Section 482 of the BNSS, 2023 (earlier Section 438 Cr.P.C.), is for grant of anticipatory bail to the petitioner, who has been booked in a criminal case arising out of FIR No.120 dated 04.04.2025, under Sections 15, 25, 29, 61/85 of NDPS Act at PS City Barnala, Punjab.

2. On 14.07.2025, following order was passed:

“CRM-26395-2025

Allowed as prayed for. Accompanying Annexures are taken on record, subject to all just exceptions.

Main case

Status Report by way of affidavit filed by State counsel is taken on record. A copy thereof has been supplied to counsel for the petitioner. The evidence collected thus far consists of disclosure from the other accused. Such type of evidence is subject to the legislative restrictions imposed by Sections 25 and 26 of the Indian Evidence Act of 1872 and Section 23 of the BSA, 2023. Even after investigation, the police did not collect evidence such as call records, the petitioner's visits with the other accused, bank transactions, other business



dealings, digital evidence, etc. After reviewing the evidence collected so far and considering the seriousness of the crime, this Court is of the considered opinion that further investigation is necessary in this case.

2. Given above, investigation is necessary to collect evidence regarding call details, financial transactions, location, connections with the co-accused, evidence of people in the vicinity, social media connections, etc. qua the petitioner.

3. To enable the petitioner to join investigation without any duress or coercion, interim order of stay of arrest of the petitioner to continue until further orders.

4. This Court has granted stay of arrest; however, if the petitioner is found to be in custody in any other case, this order granting a stay of arrest will not be valid or enforceable and will be automatically recalled.

5. The petitioner is directed to join the investigation from 22.07.2025 to 24.07.2025 at 10 a.m. in the concerned police station and after that as and when called upon to do so by the Investigator. The petitioner will be considered in deemed custody under Section 27 of the Indian Evidence Act, 1872, and Section 23 of BSA, 2023. Throughout the investigation, the petitioner shall not be subjected to third-degree methods, inappropriate language, inhumane treatment, and so on. If the petitioner fails to comply, the protection will be revoked on the next date.

6. List on 05.08.2025. Fresh status report be filed after mentioning the evidence collected during investigation. ”

3. On 04.04.2025, a recovery of 1500 Kg of poppy husk was made from a truck bearing registration No. PB-03-AP-9054, which was being driven by its driver-Nirmal Singh alias Nimma. The said poppy husk was kept in the body of the truck, while it was returning from Jharkhand to Punjab.

4. Learned counsel for the petitioner argues that petitioner is the owner of the vehicle and as per his knowledge, eight rolls of iron sheets (coils) were being transported from Jharkhand to Punjab, however, he had no knowledge in regard to the transporting of the poppy husk, which was recovered from the body of the truck. Thus, there was neither knowledge nor conscious possession of the recovered contraband on the part of petitioner. He further submits that, as per the



CRM-M-25810-2025

builty issued by Mahavir Transport Corporation, Calcutta, alongwith bills No. 90347567, 90347568 issued in the name of Mahavir Alloys, Mandi Gobindgarh, Punjab, only iron sheets/coils, were being transported and for the offence, if any, committed by the truck driver, petitioner can not be penalized for the same.

He further submits that in pursuance to the directions issued by the coordinate bench of this Court vide order dated 14.07.2025, the petitioner has joined investigation and is fully cooperating. Broadly speaking, nothing has been recovered from the possession of the petitioner.

5. On the other hand, learned State counsel opposed the prayer and submits that huge quantity has been recovered in the present case i.e 1500 Kgs of poppy husk, from the truck which belongs to the present petitioner, and, thus, he can not claim his complete ignorance from it. Since the driver was employed by the petitioner, to drive his truck, every action of such a driver is performed on the instructions of the owner, petitioner's submission that he lacked conscious possession of the contraband is meaningless and baseless and, thus, prays for dismissal of the same.

6. Heard learned counsel for the parties.

7. On being asked by the Court, learned State counsel submits that there is no earlier instance registered against the petitioner under the NDPS Act.

8. Admittedly, the petitioner is the registered owner. The accused-Nirmal Singh @ Nimma, who was driving the truck, having complete control over the same has already been arrested and recovery of 1500 Kgs of poppy husk has been effected.

9. Since, petitioner has already joined the investigation and custodial interrogation is no more required; ad-interim bail order dated 14.07.2025 passed

**CRM-M-25810-2025**

by the coordinate bench of this Court is hereby made absolute. Accordingly, present petition is allowed.

10. The petitioner shall continue to join the investigation as and when required to do so and abide by all the terms and conditions laid down under Section 482(2) of BNSS, 2023.

11. However, present order would be subject to the submission of his passport to the Investigating Agency or to Court concerned, if he possesses, within a period of one week from today. Otherwise, he would submit an affidavit, disclosing the fact that he does not possess any passport.

12. It is clarified that in case, aforesaid condition is not complied with, this order would be considered as *non est* automatically.

24.02.2026

reena

**(SANJAY VASHISTH)
JUDGE**

Whether Speaking/Reasoned:
Whether Reportable:

YES/NO
YES/NO