

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-43483-2025 (O&M)

Date of Decision: 09.03.2026

PREM SAGAR

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present : Mr. Kushager Goyal, Advocate
and Mr. Himanshu Setia, Advocate
for the petitioner.

Mr. Kanwar Sanjiv Kumar, A.A.G., Haryana.

SANJAY VASHISTH, J. (ORAL)

Petitioner-Prem Sagar, aged 55 years, has filed the instant petition under Section 483 of the BNSS for grant of regular bail in case FIR No.25 dated 30.01.2025, registered under Section 21(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Ding, District Sirsa, Haryana.

2. As per allegations, the petitioner was a pillion rider of the Splender Black Colour motor cycle No.HR 24 AH 5227, which was being driven by his son Vilash @ Vikas. On being intercepted by the members of the police team, the search was conducted and from the pocket of the jacket worn by co-accused Vilash @ Vikas, 412 grams of heroin was recovered.

3. Learned counsel for the petitioner argues that petitioner-Prem Sagar is related as father of main accused Vilash @ Vikas and never in his past career, any such instance was found registered against him. Thus, there Is every likelihood that the petitioner is suffering because of the recovery

effected from his son and at the time of recovery, incidentally, he was riding the motorcycle as a pillion rider. Nothing is recovered from his possession and still he is inside jail for the period of last one year and one month. Thus, prayer for grant of bail.

4. Learned State counsel, produces the custody certificate dated 08.03.2026 in Court today, which is taken on record. Office to tag the same at appropriate place.

5. Learned State counsel, submits that in view of the gravity of the offence in the present case, petitioner does not deserve any concession of bail. Thus, prays for dismissal of the present petition.

6. After hearing learned counsel for the parties and perusing the relevant material on record with their able assistance, this Court finds substance in the submissions made by learned counsel for the petitioner. It is observed that out of 24 prosecution witnesses, none has been examined till date. Petitioner himself is at the age of 55 years and nothing is pointed out by learned State counsel regarding his involvement in any other similar incident ever in past career of his life.

Whether or not, petitioner was having any conscious possession of the recovered heroin or knowledge about the same in the pocket of his son Vilash @ Vikas, is yet to be established by the prosecution beyond the reasonable doubt. Petitioner has already suffered the incarceration period of one year one month and nine days, therefore, personal liberty of the petitioner need not be curtailed for an indefinite period.

7. Considering all the afore-mentioned factual aspects from the petition and also the status report with the assistance of the respective

counsel, I deem it appropriate to grant the concession of bail to the petitioner.

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.

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

9. 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.

10. 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.

11. Petition stands disposed of.

March 09, 2026
gurpreet

(SANJAY VASHISTH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No