



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

236

CRM-M-59615-2025

JAGJIT SINGH @ JAGJIT SINGH MANDER

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CRM-M-59701-2025

AMARJIT SINGH

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

Decided on : 21.01.2026

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Ms. Manjot Kaur, Advocate,
for the petitioners (in both the cases).

Mr. Amish Sharma, AAG, Haryana.

SANJAY VASHISTH, J.

1. By this common order, both the aforementioned petitions, i.e. CRM-M-59615-2025 and CRM-M-59701-2025 shall stand disposed of.
2. The instant petitions have been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioners, during the pendency of trial, who have been booked in a criminal case arising out of First Information Report, as detailed hereunder:-



FIR No.	Date	Section(s)	Police Station	District
103	08.05.2025	15/61/85 of NDPS Act	City Pehowa	Kurukshetra

2. Learned counsel for the petitioners contends that FIR in the present case was registered on the basis of secret information to the effect that a TATA truck, bearing registration No.PB-13BS-9481, returning from Kolkata *via* State of Jharkhand, was transporting poppy husk to the State of Punjab. Thus, FIR was registered even before the actual recovery of the alleged contraband.

The aforesaid truck was intercepted by installing a *naka*, whereupon total 52 kilograms of poppy husk/straw was allegedly recovered from two bags kept in the body of the truck.

3. Learned counsel further argues that the quantity recovered is only marginally higher by two kilograms—than the commercial quantity threshold of 50 kilograms. It is contended that whether the recovered substance actually weighed 52 kilograms or less than 50 kilograms is a matter to be determined during the course of trial, as the contraband was weighed along with the bags containing the poppy husk/straw.

4. Additionally, learned counsel submits that both the petitioners are in custody since 08.05.2025, i.e., for a period of approximately 8 months and 13 days. Further, it is submitted that in case, it is ultimately concluded that quantity recovered does not fall within the category of commercial quantity, then it would materially affect final stage of the trial while awarding sentence to the petitioners. Thus, learned



counsel for the petitioners prays for grant of regular bail to the petitioners in the present case.

5. On the other hand, learned State counsel is unable to dispute any of the factual assertion as stated by counsel for the petitioner today before this Court, including the incarceration period already undergone by the petitioners. However, he prays for dismissal of the present petition.

On asking of the Court, learned State counsel points out that both the petitioners are first time offenders, as they are not involved in any other similar activity in past.

6. This Court has heard the submissions advanced by learned counsel for the parties and has also perused the record available before it.

7. In all likelihood, moot question before the trial Court would be whether the two bags of poppy husk found lying in the body of the truck were within the knowledge of the petitioners. Therefore, unless and until the issue of conscious possession of the recovered contraband by the petitioners is established, along with the determination that the recovered quantity actually exceeds the non-commercial quantity, this Court is of the view that no useful purpose would be served by further detaining the petitioners in judicial custody.

In view of totality of the circumstances, facts and allegations levelled against the petitioners, and the factors noticed here above, this Court deems it appropriate to grant the concession of bail to both the petitioners.



8. Consequently, prayer made in both the present petitions is **allowed**. Petitioners namely Jagjit Singh alias Jagjit Singh Mander and Amarjit Singh 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.

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

10. 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.

11. 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.

12. Both the petitions stand disposed of.

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

(SANJAY VASHISTH)
JUDGE

21.01.2026
Lavisha

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