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**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

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**CRM-M-16481-2025 (O&M)
Date of decision: 21.05.2025**

Surinder Singh**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Sandeep Kumar Passi, Advocate
for the petitioner.

Ms. Pooja Nayar Sharma, DAG, Punjab.

MANISHA BATRA, J. (Oral)

1. The instant one is the fourth petition that has been filed by the petitioner for grant of regular bail to him in case bearing FIR No. 89 dated 23.11.2023, registered under Sections 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Khanauri, District Sangrur. The previous petitions were dismissed as withdrawn.

2. Brief facts of the case relevant for the disposal of the present petition are that on 23.11.2023, co-accused Gurpreet Singh was apprehended by a police party headed by ASI Balbir Singh and recovery of 2400 tablets of Tramadol Hydrochloride and 1100 tablets of Alprazolam was effected from him. Since he could not produce any permit or license to keep in his possession the recovered drugs, he was formally arrested at the spot. Upon interrogation, he disclosed that he used to make Whatsapp calls to a person using contact number 76278-23024 and used to by intoxicant tablets from him. During investigation, it was found that the aforesaid SIM was

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registered in the name of one Gagandeep Singh but the petitioner was using the same. On the basis of the same, the petitioner was nominated in this case and was arrested on 09.03.2024. Upon interrogation, he admitted that he had sold the recovered contraband to the above named co-accused. After completion of necessary investigation and usual formalities, *challan* was presented in the Court and presently, the petitioner along with the co-accused is facing trial for commission of aforementioned offences.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. He is neither named in the FIR nor was apprehended at the spot. He has been nominated in this case on the basis of the disclosure statement made by the co-accused, which is not admissible in evidence. No subsequent recovery has been effected from him. There is nothing on record to connect the petitioner with the subject crime. Even otherwise, investigation has since been completed and *challan* has been presented. Conclusion of trial is likely to take time. The petitioner is in judicial custody since 09.03.2024. No useful purpose would be served by keeping him in custody anymore. Pendency of other cases against the petitioner is not ground to deny him the concession of bail. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on regular bail.

4. Status report has been filed by the respondent-State. It is submitted therein and learned Deputy Advocate General, Punjab has argued that though the petitioner was nominated in this case on the basis of the disclosure statement suffered by the co-accused but during the course of investigation, his complicity in subject crime has been duly established. He

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was involved in supplying intoxicant tablets to the co-accused. He is a habitual offender. He has been convicted in a similar case for a period of 12 years and in two other cases of similar nature, he is facing trial. Trial is going on at proper pace. It is also argued that if the petitioner is released on bail, he can abscond or indulge in similar offences. Hence, it is urged that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

6. The petitioner has been nominated in this case on the basis of the disclosure statement made by co-accused Gurpreet Singh, who was apprehended by the police and from whose possession, recovery of 2400 tablets of Tramadol Hydrochloride and 1100 tablets of Alprazolam was effected. The quantity of the recovered contraband falls within the ambit of commercial quantity. The allegations against the petitioner are that he used to supply the contraband to the co-accused. During investigation, it was found that in order to make contacts with co-accused, the petitioner was using SIM card of one Gagandeep Singh on the pretext that his SIM card was not functional. It shows that the petitioner is a criminal minded person. Even otherwise, he has been convicted for 12 years in a case registered against him under the NDPS Act and is facing trial in two more cases of similar nature, which shows that he is a habitual offender. The trial is going on and there is nothing on record to suggest that there would be any undue delay in conclusion of the same. Rather, the same can be expedited. The apprehension expressed by learned State counsel that if the petitioner is released on bail, he can abscond or indulge in similar offences, can also not

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be stated to be unfounded keeping in view his antecedents. Keeping in view the discussion as made above, the quantity of the contraband recovered in this case, the antecedents of the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, I am of the considered opinion that the petitioner does not deserve to be granted benefit of regular bail, at this stage. Hence, the petition is dismissed.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

21.05.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No