



CRM-M-35437-2025

-1-

**241 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-35437-2025**

Date of Decision: 14.07.2025

Salinder @ Surrender

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Vikas Bishnoi, Advocate, for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

Rajesh Bhardwaj, J. (ORAL)

1. Petitioner has approached by way of filing the present petition praying for grant of regular bail in case FIR No.78 dated 21.02.2025 under Section 21 (b) of NDPS Act, 1985 (Section 27-A of NDPS Act, 1985 added during investigation) registered at Police Station City Tohana, District Faridabad.

2. As per facts of the case, on 21.02.2025, the Police party while on patrolling saw a person coming on motorcycle. On seeing the Police party, he got perplexed and tried to escape. However, on suspicion, he was overpowered and was apprehended. On asking, he disclosed his name as Rakesh @ Mithi. He was suspected to be carrying some contraband and thus, was given offer to be searched. On conducting search of right pocket of his blue jeans, a transparent pouch containing 15.04 grams of heroin, was recovered from his conscious possession. He failed to produce any licence regarding possession of the same and thus, the FIR was registered and he was arrested on spot. On registration of the FIR, the investigation commenced. The samples taken were sent to the FSL. During the interrogation, he made a disclosure statement about the present petitioner, namely, Salinder @ Surrender, who was alleged to be the supplier of the contraband recovered from the him. Hence, the petitioner was also arrayed



as an accused and was arrested on 24.03.2025. The petitioner approached the Court of learned Special Judge, Fast Track, under NDPS Act, Fatehabad praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 02.07.2025. Hence, the petitioner approached this Court praying for grant of bail by way of filing the present petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely and frivolously implicated in the present case on the basis of the disclosure statement of the co-accused, namely, Rakesh @ Mithi, from whom recovery of 15.04 grams of heroin was allegedly effected, which is not even an admissible evidence. He submits that the alleged recovery from the co-accused is non-commercial and thus, provisions of Section 37 of the NDPS Act, are not attracted in this case. He further submits that co-accused Rakesh @ Mithi is already on bail. He submits that though the petitioner is involved in three other cases, however, in one case he has been acquitted and in rest two cases, he is on bail. He, thus, submits that in the overall facts and circumstances, the petitioner deserves to be granted anticipatory bail.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner is a habitual offender. He submits that as per the disclosure statement of the co-accused, the petitioner is the supplier of the contraband recovered from the co-accused. On instructions, he submits that that investigation in the present case is already complete and the challan has been presented. He has produced the custody certificate of the petitioner on record.



CRM-M-35437-2025

-3-

5. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner has been arrayed as an accused on the basis of the disclosure statement of the co-accused, namely, Rakesh @ Mithi. As submitted before this Court, Rakesh @ Mithi is already on bail. The investigation is complete and the challan has been presented. As per custody certificate of the petitioner, he has completed incarceration of 03 months and 18 days as on 12.07.2025. It further reflects that the petitioner is prosecuted in three other cases, however, he is on bail in those cases.

6. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

7. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

8. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

14.07.2025

sharmila

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No