



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

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**CRM-M No.38911 of 2025
Date of decision : 7.8.2025**

Ranjeet @ Bittu**.....Petitioner****Versus****State of Haryana****.....Respondent****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Amit Choudhary, Advocate, for the petitioner

Mr. Deepak Grewal, DAG, Haryana

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.514 dated 4.10.2019, under Sections 21(b) of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station City Fatehabad, District Fatehabad.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'To, The Station House Officer, Police Station City Fatehabad. Jai Hind. Today I ASI along with HC Jai Singh No.830 along with ESI Bhola Singh No.309 and SPO Kuldeep No.39, Police Post Nanakpura, Fatehabad Fatehabad were present for patrolling and investigation at Juriam Ratia Octroi, Fatehabad. Then a secret informer met and gave the information that "Ranjeet alias Bittu son of Gurmukh Singh resident of Guru Nanakpura Fatehabad is standing in front of his house, who sells drugs, and is going to sell the drugs, he is wearing pants and shirt, if a quick raid



is conducted then he can be apprehended along with the drugs". On getting the information believable given by informer, a report under section 42 NDPS Act will be registered and HC Jai Singh No.830 Police Post Guru Nanakpura Fatehabad is being sent to police station for entering the same in roznamcha and I ASI along with fellow officials reached at the place disclosed by the informer. According to the information, a young boy was seen in front of a house in the street. On seeing the police party, the young boy became perplexed and was moving back towards the house and that boy tried to throw away the transparent polythene bag carrying in his hand, who has been apprehended by me/ASI with the help of fellow officials on the basis of suspicion of heroin and I ASI asked the name and address of said young boy then the boy disclosed his name as Ranjeet alias Bittu son of Gurmukh Singh, resident of Guru Nanakpura, Fatehabad and the transparent polythene bag held in the boy's hand was opened and checked, then heroin was recovered. The transparent polythene bag of recovered heroin was weighed with a small computer weighing scale kept in the investigation bag and it was found to be 6 grams of heroin along with the polythene bag. A parcel of 6 grams heroin and sample seal was made, I sealed the recovered heroin parcel and sample seal with my stamp RB. I have taken the parcel of heroin weighing 6 grams sealed with stamp RB along with sample seal, into police possession through seizure memo. I have handed over the seal after its use to ESI Bhola Singh No.309/Fatehabad and accused Ranjeet @ Bittu and witnesses have appended their signatures on the seizure memo. Accused Ranjeet @Bittu has committed the offence u/s 21(b)/61/85 of NDPS Act for keeping 6 grams heroin in his possession. Upon which, ruqa after recording is being sent to police station through ESI Bhola Singh No.309 for registration of case. After registering the case, FIR number be intimated and competent investigating officer be sent on the place of occurrence for further investigation of the case. I am present on the spot along with accused Ranjeet @ Bittu son of Gurmukh Singh resident of Guru Nanakpura Fatehabad and case property. Place: Mohalla Guru Nanakpura Fatehabad. Sd/- Ranjeet Singh ASI Police Post Guru Nanakpura, Fatehabad, dated 04.10.19. Time: 10:30 PM.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 30.7.2024. Learned counsel has further iterated that



the petitioner was granted bail on 22.10.2019 but thereafter the same was cancelled on account of his non-appearance on 26.10.2021. Learned counsel has further iterated that the petitioner is involved in multiple FIR(s) and hence, he has not able to appear before the concerned Court in time. Learned counsel has further argued that the prime allegation against the petitioner is recovery of 6 grams of heroin, which is non-commercial in nature. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 6.8.2025 in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was initially arrested on 4.10.2019 wherein after he was enlarged on bail on 22.10.2019. On account of his non-appearance, the said bail was cancelled on 26.10.2021 and the petitioner was re-arrested on 30.7.2024 and is in continuous custody since then. The petitioner is said to be involved in the present FIR on the basis of recovery of 6 grams of heroin. Total 9 prosecution witnesses have been cited out of which only one has been examined till date. The rival contention raised at Bar give rise to debatable issues which shall essentially be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it



may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1 As per custody certificate dated 6.8.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of about more than one year in the present case. As per the said custody certificate, the petitioner is stated to be involved in multiple FIR(s). Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586***; a Division Bench judgment of the Hon'ble Calcutta High Court in case of ***Sridhar Das v. State, 1998 (2) RCR (Criminal) 477*** & judgments of this Court in ***CRM-M No.38822-2022*** titled as ***Akhilesh Singh v. State of Haryana***, decided on 29.11.2021, and ***Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191***.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds



to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

7.8.2025
Ashwani

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No