



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

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**CRM-M No.51257 of 2025 (O&M)
Date of Decision:17.09.2025**

Surender @ Sonu

.....Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr.Kartar Singh, Advocate for
Mr. Robin Dutt, Advocate for the petitioner.

Mr. Parveen Kumar Aggarwal, Addl. A.G., Haryana.

SURYA PARTAP SINGH, J. (Oral):

1. For the commission of offence punishable under Section 22-C of Narcotic Drugs and Psychotropic Substances Act, 1985, the FIR No.188 dated 16.09.2020, has been lodged in Police Station Nathusari Chopta, District Sirsa. The petitioner is being prosecuted for the commission of above mentioned offence and he has been arrested. The petitioner is in custody and, therefore, craving for the benefit of bail. This is third application for bail moved by the petitioner.

2. Briefly stated, the facts emanating from record are that the FIR of this case came into being in response to an information memo submitted by ASI Tarsem Singh. According to above mentioned information memo on 16.09.2020 when a police party headed by above named ASI was on patrolling duty near Jamala Chowk. It is spotted a young boy approaching it



from village Phephana, Rajasthan side on a motorcycle. According to above named ASI when the abovesaid person noticed that a police party of on his way ahead, he got nervous and attempted to take a u-turn. According to above named ASI in view of his suspicious conduct he was intercepted and when the contents of bag carried by him were checked, it was found that he was carrying 1380 Nrx Tramadol Hydrochloride capsules in that bag. It is the case of the prosecution that with regard to above mentioned chance recovery, the requisite documents were prepared on the spot, information was sent to the police station for registration of FIR, and the petitioner-accused formally arrested.

3. Notice of motion.

4. Since advance notice has already been served, Mr. Parveen Kumar Aggarwal, Addl. A.G., Haryana, appears on behalf of respondent-State, and waives service.

5. Learned State Counsel has filed custody certificate of the petitioner. The same be taken on record. He has opted not to file formal reply to the petition. However, he has orally opposed the present bail petition.

6. Heard.

7. It has been contended by learned counsel for the petitioner that the petitioner is in custody for a period of more than 2 years 3 months and 11 days and that trial is taking place at a snail pace. According to learned counsel for the petitioner out of 14 witnesses only 2 witnesses have been



examined, so far. It has also been contended by learned counsel for the petitioner that present case is the only case, under the NDPS Act, for which the petitioner has been prosecuted.

8. With regard to the fact that this is third bail petition, it has been contended by learned counsel for the petitioner that the second bail petition of the petitioner was dismissed on 14.10.2024 and that the above mentioned petition was not decided on merits, rather withdrawn by the petitioner. The learned counsel for the petitioner has further contended that personal liberty of the petitioner is at stake and his right of speedy trial has been defeated and, therefore, in the given fact and circumstances, the petitioner is entitled to bail and the rigors of Section 37 of NDPS Act are not applicable. The learned counsel for the petitioner, in support of his contention has placed reliance upon the observations made by the Hon'ble Supreme Court of India in the case of **Nandlal Mondal @ Abhay Mondal Vs. The State of West Bengal SLP (Crl.) No(s).12788/2023**.

9. Per contra, learned State counsel has argued that the petitioner does not have clean history as he has already been prosecuted for another offences also. According to learned State counsel since the quantity of contraband recovered from the possession of the petitioner falls within the category of commercial quantity, the rigors of Section-37 of NDPS Act are attracted in the present case. As per learned State counsel without satisfying the twin condition, enshrined under Section 37 of NDPS Act, the petitioner is not entitled for the benefit of bail.



10. The record has been perused carefully.

11. A perusal of record shows that custody certificate placed on record shows that except the present case there is no other case under NDPS Act for which the petitioner has been prosecuted. It shows that the petitioner has clean antecedent with regard to NDPS Act. It is also relevant to mention here that despite being in custody for a period of 2 years, 3 months and 11 days, the trial has not been concluded and out of 14 only 2 witnesses have been examined. It is settled principle of law a speedy trial is a right of the petitioner and such right is defeated due to delay in trial. Therefore, instant case is a fit case wherein request for bail should be considered sympathetically.

12. In the present case, following are the factors which are relevant for arriving at a decision qua the present petition: -

- (1) that the petitioner is already in custody for a period of 2 years 3 months and 11 days;
- (2) that as per custody certificate of the petitioner except the present case there is no other case, under NDPS Act, for which the petitioner has been prosecuted;
- (3) that the investigation in this case is already complete and, therefore, nothing is left to be recovered from the possession of the petitioner;
- (4) that the trial is not likely to be concluded in near future as out of 14 witnesses only 2 witnesses have been examined;
- (5) that detaining of petitioner in the judicial lock up is not likely to serve any purpose.

13. If cumulative effect of all the above mentioned factors is taken



into consideration, it leads to a conclusion that the petitioner is entitled for the benefit of bail.

14. Accordingly, without commenting anything on the merits of the case, the present petition is hereby allowed and the petitioner is admitted to bail subject to his furnishing bail bonds to the satisfaction of the trial Court.

(SURYA PARTAP SINGH)
JUDGE

17.09.2025

Manoj Bhutani

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