

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

232

**CRM-M-54428-2025
Decided on : 19.12.2025**

Surjit Singh alias Jeetu

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present : Mr. Yashpal Thakur, Advocate
for the petitioner.

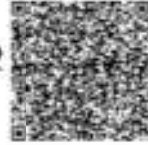
Mr. Amrit Pal Singh Gill, DAG, Punjab
for the respondent-State.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the instant petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.0155 dated 11.07.2025, registered under Sections 21 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station City Sunam, District Sangrur.

2. Brief facts as per the prosecution case are that on 11.07.2025, ASI Paramjit Singh along with his fellow police officials was on patrolling duty and on the basis of secret information, apprehended the petitioner, who was found in conscious possession of 20 grams of *heroin*. Hence the present FIR.

3. Learned counsel for the petitioner contends that the petitioner has

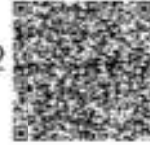


been falsely implicated in the present case and he has no concern with the said offence. He further contends that the mandatory provisions of the NDPS Act were not complied with at the time of alleged search and seizure. Learned counsel contends that the recovery of alleged contraband has already been effected from the petitioner which falls under the non-commercial quantity and nothing more is to be recovered from him. He further contends that the similarly situated co-accused Sunny alias Cheena has already been granted the concession of regular bail by the Court of learned Judge, Special Court, Sangrur vide order dated 21.08.2025. The petitioner is in custody since 11.07.2025. The investigation in the case is complete, challan stands presented, charges have also been framed. He further submits that out of 13 prosecution witnesses, only 02 have been examined till date, as such, the trial will take a long time to conclude and no useful purpose would be served by keeping the petitioner behind bars. Therefore, it is urged that the present petition deserves to be allowed.

4. Notice of motion.

5. Learned State counsel, who has appeared on advance notice of the petition, has filed the custody certificate of the petitioner, which is taken on record. He has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. He has further submitted that the petitioner is also involved in multiple other cases of similar nature meaning thereby he is a habitual offender.

6. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the petitioner is in custody for the last more than 05 months and 06 days; co-accused Sunny alias Cheena has already been granted the concession of regular bail by the Court of learned



Judge, Special Court, Sangrur; investigation is complete; challan stands presented; charges have also been framed and out of 13 prosecution witnesses, only 02 have has been examined till date, as such, the trial will take a long time to conclude and no useful purpose would be served by detaining him in further custody. His further detention without the prospect of the trial being concluded in the near future would be violative of his rights under Article 21 of the Constitution of India.

7. Reliance is placed upon a judgment in the case of ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, wherein Hon'ble Apex Court has held that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of his right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle "*bail is a rule*" and "*jail is an exception*".

8. As regards the submission of learned State counsel that petitioner is involved in other/another case(s), reference is placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012 (2) SCC 382*** in which, it is held that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other/another case(s). The relevant portion of the said judgment is reproduced herein-below:-

"As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the



CRM-M-54428-2025 4

jurisdiction of the Court etc."

9. In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

19.12.2025
mamta

(RUPINDERJIT CHAHAL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No