

2026.PHHC.056851



CRM-M-521-2025

-1-

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

109

CRM-M-521-2025 (O & M)

Date of decision: 16.04.2026

SURJIT SINGH ALIAS SONU

....Petitioner

Versus

STATE OF PUNJAB

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Ms. Bhupinder Kaur, Advocate,
for the petitioner.

Mr. Manipal Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)

1. Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.62 dated 26.03.2024, registered under Sections 22 and 29 NDPS Act, at Police Station Sultanpur Lodhi, District Kapurthala.

2. Learned counsel contends that the petitioner has been in custody for the last 1 year and about 11 months. As per the allegations, commercial quantity of contraband was recovered from him, it being 400 intoxicating capsules, containing 123.6 gms. of Alprazolam, while recovery from co-accused, Satnam Singh @ Satta, apprehended alongwith him, was 300 tablets, it being 90.06 gms, who has since been granted bail, vide order Annexure P-2, after being in custody for 6 months and 23 days.

CRM-M-521-2025

Further, the recovery was effected from the polythenes thrown by them, thus, it is debatable whether the petitioner can be said to be in conscious possession thereof. No independent witness has been joined at the time of recovery. The mandatory provisions of Section 50 NDPS Act have not been fully complied with. Charges have been framed on 26.09.2024, however, only 1 PW stands examined and there are still 7 more to go. The petitioner is involved in 3 more cases, in 2 of which, he is on bail while undergone the sentence of 2 months in 1. Reliance is placed on the judgment passed by Hon'ble The Supreme Court titled as **Maulana Mohd. Amir Rashadi vs. State of U.P. and others**, 2012(2) SCC 382.

3. The custody certificate dated 15.04.2026, filed by the learned State counsel is taken on record. As per the same, the petitioner is behind bars for 1 year, 10 months and 21 days.

4. Learned State counsel opposes the bail on the ground that commercial quantity of intoxicating capsules has been recovered from the petitioner, who was apprehended alongwith the co-accused. However, he is unable to controvert the submissions with regard to stage of the trial; the petitioner being on bail in 2 other cases and the co-accused having been released on bail.

5. Heard.

6. Hon'ble The Supreme Court in the case of **Maulana Mohd. Amir Rashadi** (Supra) had held that, "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

CRM-M-521-2025

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 jurisdiction of the Court, etc.” Reiterating in **Prabhakar Tewari vs. State of UP and another**, (2020) 11 SCC 648, it was observed that, “The offence alleged no doubt is grave and serious and there are several criminal cases pending against the accused. These factors by themselves cannot be the basis for refusal of prayer for bail.”

7. Hon'ble The Supreme Court in **Shariful Islam @ Sarif versus The State of West Bengal** SLP (Crl.) No.4173/2022, decided on 04.08.2022, granted bail to the petitioner in a case of recovery of commercial quantity of contraband, considering incarceration for over 1 year and 6 months and there being no likelihood of completion of trial in the near future, while the Division Bench of this Court in **Bhupender Singh vs. Narcotic Control Bureau** (2022) 2 RCR (Crl.) 706, observed with regard to achieving balance between right to speedy trial guaranteed under Article 21 of the Constitution of India and rigors of Section 37 of NDPS Act.

8. This Court in the case of **Balraj Singh vs. State of Punjab** CRM-M-57386-2022, on 14.12.2022 has followed the dictum laid down by Hon'ble The Supreme Court and granted the bail to the petitioner therein after he had undergone total custody of 1 year and 6 months and in **Munasi Masih vs. State of Punjab**, CRM-M-31504-2022, on 06.2.2023, wherein commercial quantity of contraband had been recovered but only 2 out of 13 PWs had been examined, allowed bail.

CRM-M-521-2025

9. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last 1 year, 10 months and 21 days; on bail in 2 cases; co-accused is on bail; charges stand framed on 26.09.2024, but out of 8 PWs, only 1 has been examined; the trial is likely to take a considerable time; further incarceration of the petitioner would be violative of his right enshrined under Article 21 of the Constitution of India and the rigors of Section 37 of the NDPS Act can be diluted bearing in mind the right to a speedy trial, the present petition is allowed.

10. The petitioner is ordered to be released on regular bail, subject to furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned, if not required in any other case and shall abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
- (v) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- (vi) The petitioner shall not in any manner misuse his liberty.
- (vii) The petitioner shall furnish his address and mobile number by way of an affidavit to the trial

CRM-M-521-2025

Court and not change the same till conclusion of trial and if for any reasons, he seeks to change either of the aforesaid, it shall be done only with prior information to the learned trial Court.

(viii) The petitioner shall not leave the country without prior permission of the trial Court.

(ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

11. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

12. In view of the above, it is clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

16.04.2026

parveen kumar

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No