



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

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**CRM-M No.11285 of 2026
Date of decision : 6.5.2026
Date of uploading : 6.5.2026**

Jangir Singh**.....Petitioner****Versus****State of Haryana****.....Respondent****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Harshit Ahuja, Advocate, for the petitioner

Ms. Priyanka Sadar, Senior 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.102 dated 29.2.2020 under Section 22(b) and 27(2) of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station City Fatehabad, District Fatehabad.
2. The gravamen of the FIR in question is that the petitioner is an accused of being involved in FIR pertaining to NDPS Act involving 50 grams of heroin and ₹85,000/- drug money allegedly recovered from the petitioner and his co-accused, on 29.2.2020 while they were travelling on a motor cycle in the area of Ratia Road Bypass Bridge, Fatehabad.
3. Learned counsel for the petitioner has argued that initially the petitioner was arrested on 29.2.2020, whereafter he was afforded the



concession of regular bail on merits thereof on 30.8.2021 by the trial Court. Learned counsel has further argued that the petitioner continued to appear before the concerned Court upto 12.9.2023 whereinafter he could not be appeared as he was taken into custody in another case. Learned counsel has further argued that the petitioner came to be re-arrested on 30.8.2025 and he is in continuous custody since then. Learned counsel has further urged that non-appearance of the petitioner was not deliberate but on account of circumstances beyond his control. Learned counsel has further urged that total 14 prosecution witnesses have been cited and only 01 has been examined till date. Thus, regular bail is prayed for.

4. Learned State counsel has filed reply by way of affidavit of Sanjay Kumar, HPS, Deputy Superintendent of Police, Fatehabad, District Fatehabad, which is on record. Raising submissions in tandem with the said reply, 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 5.5.2026 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 arrested on 29.2.2020 and was granted the concession of regular bail by the trial Court on 30.8.2021. The respondent has never ever challenged the said order before any Court and it attained finality. The petitioner is in custody since 30.8.2025. The cause reflected



at the end of the petitioner for his non-appearance is that he was taken into custody in another case. In this view of the matter, the petitioner has now suffered total incarceration for more than 9 months. The rival contentions raised at Bar give rise to debatable issues which shall 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 5.5.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 9 months and 3 days. As per the said custody certificate, the petitioner is stated to be involved in 9 other FIRs. 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

6.5.2026
Ashwani

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