

2026.PHHC:079880



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

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CRM M-26352-2026 (O&M)

Date of Decision: 19.05.2026

Surjeet Singh

...Petitioner (s)

Vs.

State of Haryana

...Respondents(s)

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

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

Mr. Parmod Kumar, AAG, Haryana.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present petition under Section 483 of the BNSS, 2023, with a prayer to grant him regular bail in case FIR No.122 dated 30.05.2025 (Annexure P-1) under Sections 21(b), 27-A and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, '**the NDPS Act**') registered at Police Station City Ratia, District Fatehabad.

2. Learned counsel for the petitioner contends that as per the case set up by the prosecution, on receipt of a secret information, the police had apprehended Kamaldeep and Binder, both accused, when they were riding a scooty, and a recovery of 5.34 grams of heroin was made from personal search of Kamaldeep. It has been alleged that during the course of investigation, Kamaldeep and Binder suffered their respective disclosure statements and stated to have purchased the recovered contraband from the petitioner, which led to addition of

offence under Section 27-A of the NDPS Act. Learned counsel submits that except the disclosure statements suffered by the co-accused, the police could not collect any other incriminating evidence against the petitioner to connect him with the crime in any manner. Apart from that, even there was no call detail record to show that the petitioner had talked to them on phone, nor any money trail could be found. He further contends that the petitioner was arrested in the present case on 20.06.2025 and the *challan* has already been presented against him. Even the main accused, who were apprehended at the spot with the alleged recovery of 5.34 grams of heroin have already been granted the concession of bail vide order dated 02.07.2025 (Annexure P-3) passed by the Special Court, Fatehabad. He further contends that, in fact, in the past also, the petitioner was involved in other cases under the NDPS Act, and due to pendency of other cases, he was arrayed as an accused in the present case also.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner is habitual offender and is involved in seven more FIRs, including four cases registered under the provisions of the NDPS Act. Thus, in view of the seriousness of the allegations as well as his involvement in various criminal cases, he is not entitled to be released on bail.

4. I have heard learned counsel for the parties and perused the record very carefully.

5. It is not in dispute that vide order dated 27.02.2025 (Annexure P-3), Kamaldeep and Binder both co-accused have already been admitted to bail by the Special Court, Fatehabad. The case of the petitioner is on better footing as he was nominated as accused only on the basis of the disclosure statement suffered by Kamaldeep and Binder. Moreover, he is in custody for the last about eleven months and there is no material to show that he is in a position to influence the witnesses of the prosecution or there are chances of absconding from the process of the law. Moreover, it has been held by the Hon'ble Supreme Court in the matter of *Prabhakar Tewari Vs. State of U.P., and another 2020(1) R.C.R. (Criminal) 831* that accused can never be confined in jail for an indefinite period as the pendency of several criminal cases against the accused cannot be the basis to refuse the prayer of bail. Similar observations have been made by the Hon'ble Supreme Court in the matter of *Maulana Mohd. Amir Rashadi Vs. State of U.P. and another 2012(1) R.C.R. (Criminal) 586*.

6. In view of the above, without commenting any further on the merits, 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.

7. All pending applications, if any, are disposed off, accordingly.

19.05.2026
amit rana

(N.S.SHEKHAWAT)
JUDGE

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