



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

204

CRM-M-26554-2026 (O&M)
Date of decision: 15.05.2026

Surender Alias Surender Singh Alias Sinder

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Pratham Sethi, Advocate for the petitioner

Mr. Gautam Kaile, DAG Haryana

AMAN CHAUDHARY, J. (ORAL)

1. Prayer in the present petition filed under Section 483 BNSS is for grant of regular bail to the petitioner in case FIR No.371 dated 21.11.2023, registered under Sections 15(c), 18(c), 27(A), 29 of NDPS Act & 201 IPC at Police Station Sadar Kaithal, District Kaithal.

2. Learned counsel contends that the petitioner was arrested on 03.01.2024 and granted regular bail by this Court vide order dated 17.05.2024, Annexure P-3, whereafter, he continued to appear regularly before the trial Court for 2 years, but on 22.04.2026, he was present in Court, however, was compelled to leave on account of his father aged 75 years, being in medical emergency, for which reference is made to the medical record dated 22.04.2026, Annexure P-4. Thereafter, he immediately filed an application for surrender, as is apparent from the order of that date, Annexure P-5 and has since been in custody. Out of 8 accused, 6 are already on bail including the main accused, who was arrested at the spot, while the petitioner was implicated on the basis of second disclosure statement. Challan was presented on 16.05.2024, however,



charges have not been framed on and in all there are 35 prosecution witnesses. The petitioner is involved in 1 more case, wherein he is on bail. 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 14.05.2025, filed by the learned State counsel is taken on record. As per the same, the petitioner is behind bars for 5 months and 3 days.

4. Learned State counsel opposes the bail on the ground that there are specific allegations against the petitioner and had absented from the proceedings. However, he is unable to controvert the submissions with regard to stage, petitioner having filed an application to surrender, he being on bail in other case and co-accused having been granted 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 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."

7. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last 5 months and 3 days; on bail in other case; co-accused are on bail; challan stands presented on 16.05.2024, however, charges are yet to be framed and there are a total of 35 prosecution witnesses, 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, the present petition is allowed.

8. The petitioner is ordered to be released on regular bail on his furnishing requisite bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate, concerned.

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

10. 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.

(AMAN CHAUDHARY)
JUDGE

15.05.2026
M.Kamra

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