



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

221

CRM-M-28228-2026 (O&M)

Date of decision : 22.05.2026

Suraj Kumar

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. L.M. Gulati, Advocate for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

SURYA PARTAP SINGH, J.

This petition for bail is the fourth petition, filed by the petitioner under Section 483 of 'the Bharatiya Nagarik Suraksha Sanhita, 2023'. It has been filed with regard to a case arising out of FIR No.57 dated 13.04.2025, for the commission of offence punishable under Section 22(C) of Narcotic Drugs and Psychotropic Substances Act, 1985, hereinafter being referred to as 'NDPS Act', Police Station City Malout, District Sri Muktsar Sahib.

2. The FIR of this came into being at the instance of 'ASI Sukhraj Singh' who had reported that on 13.04.2025, when he was leading a team of police officials deputed for patrolling duty, on the basis of a tip-off given by a reliable source, the petitioner was apprehended and from his possession 70 tablets of Etizolam & Propranolol (weighing 8.12 grams) were recovered.



3. According to prosecution, pursuant to abovementioned recovery of contraband, the FIR was lodged and the further investigation taken up.

4. **Notice of motion.**

5. Mr. I.P.S. Sabharwal, DAG, Punjab appears on behalf of respondent-State. Hence service of notice upon the State is hereby dispensed with. The learned State Counsel has filed custody certificate of the petitioner. The same be taken on record. No formal reply has been filed by the State. However, the learned State Counsel has orally opposed the present petition.

6. Heard.

7. It has been contended by learned counsel for the petitioner that although this is fourth petition for bail but the same is maintainable, as the first and second petition for bail filed by the petitioner were not decided on merit, as they were dismissed as withdrawn. With regard to third petition it has been contended by learned counsel for the petitioner that it was a petition for interim bail which was allowed and the benefit of interim bail was accorded to the petitioner. As per learned counsel for the petitioner after availing the benefit of interim bail, the petitioner has already surrendered before the Court.

8. In addition to above, the learned counsel for the petitioner has contended that petitioner has already suffered incarceration for a period of more than one year and thirty days and that as per information given by the family members of petitioner, the petitioner does not have any other case



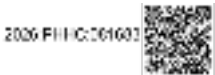
pending against him. It has also been contended that there is delay in trial and therefore, the petitioner is entitled to the benefit of bail.

9. The learned State Counsel has controverted the abovementioned arguments. The learned State Counsel while referring to the contents of custody certificate has contended that this averment in the petition is false that there is no case pending against the petitioner. According to learned State Counsel, the petitioner had faced prosecution in two other cases also and that one case is still pending against the petitioner whereas in second petition, he has been convicted. According to learned State Counsel since there is false averment in the petition, this petition deserves dismissal on this ground itself.

10. The record has been perused carefully.

11. A perusal of record shows that in the present case, following are the relevant factors which are required to be taken into consideration for a decision:-

- i) that the present petition is based on wrong averments, as it has been mentioned in para No.25 of the petition, that the petitioner is not involved in any other case;
- ii) that this is fourth petition for bail and from the date of dismissal of second bail petition, no significant change in circumstance has taken place;
- iii) that the quantity of contraband recovered from the possession of petitioner comes within the ambit of commercial quantity, and there is nothing on record to show that rigors of Section 37 of NDPS Act stands complied with in the instant case; and
- iv) that the total custody period of petitioner cannot be treated to be a period wherein this inference can be drawn that there is delay in trial.



12. Taking into consideration the cumulative effect of all the abovementioned factors, it is hereby observed that the present petition is devoid of merit and deserves dismissal. Hence, the same is hereby *dismissed*, accordingly.

(SURYA PARTAP SINGH)
JUDGE

22.05.2026
Vinod

Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No