



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

235

**CRM-M No.64207 of 2025
Date of decision : 12.1.2026
Date of uploading : 13.1.2026**

Surinder Kumar @ Gagni @ Surinder Kumar Singal

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. H.S. Rajput, Advocate and
Mr. Manjot Bhullar, Advocate, for the petitioner

Mr. Hemant Aggarwal, AAG, Punjab

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.29 dated 20.3.2025 under Sections 109(1), 3(5) of Bharatiya Nyaya Sanhita, 2023, Sections 25, 27 of Arms Act, 1959 (Sections 21(c) and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 added later on), registered at Police Station Jaitu, District Faridkot.
2. The gravamen of the FIR in question is that on 4.3.2025 at about 8 p.m., the petitioner alongwith co-accused Amar Singh Singal, Arsh, Ravi, Happy, Munish, Rahul @ Jaaji and 3 unknown persons have



gone inside the godown where complainant was present alongwith his brother. The petitioner alongwith co-accused while hurling abuses, opened assault upon them and caused injuries. On raising alarm by the complainant side, the petitioner and co-accused were fled away from the spot extending threat of life to them.

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 24.3.2025. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question on account of his antecedents. Learned counsel has further submitted that mandatory provision of NDPS Act has not scrupulously been complied with and therefore, the prosecution case suffers from inherent defects. Learned counsel has further submitted that, in any case, the contraband alleged to have been recovered is 257 grams of heroin, which is marginally above the threshold limit of non-commercial quantity specified in the notification issued under the NDPS Act. Learned counsel has further submitted that the petitioner has made a fire shot towards the police party but the said shot has not hit anybody. Thus, regular bail is prayed for.

4. 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 8.12.2025 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 24.3.2025 wherein after investigation was carried out and challan stands presented on 8.8.2025. Total 33 prosecution witnesses have been cited and it is not in dispute that none has been examined till date. It is thus indubitable that culmination of trial will take its own time. It would be apposite to refer herein to a judgment passed by the Hon'ble Supreme Court in ***Criminal Appeal No.2787 of 2024*** titled as ***Javed Gulam Nabi Shaikh vs. State of Maharashtra and another***, decided on 03.07.2024; relevant whereof reads as under:-

“19 If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as enshrined under Article 21 of the Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. Article 21 of the Constitution applies irrespective of the nature of the crime.

20. We may hasten to add that the petitioner is still an accused; not a convict. The over-arching postulate of criminal jurisprudence that an accused is presumed to be innocent until proven guilty cannot be brushed aside lightly. howsoever stringent the penal law may be.

21. We are convinced that the manner in which the prosecuting agency as well as the Court have proceeded, the right of the accused to have a speedy trial could be said to have been infringed thereby violating Article 21 of the Constitution.”

6.1 The contraband alleged to have been recovered from the petitioner is 257 grams of heroin, which is marginally above the threshold limit of non-commercial quantity. Reliance in this regard can also be placed upon the orders passed by this Court in ***Rajdev Giri versus State of Punjab***, CRM-M-44898-2019, decided on 18.09.2020; ***Rahish versus***



State of Haryana, CRM-M-36498-2020, decided on 11.11.2020; Karambir versus State of Haryana, CRM-M-31820-2019, decided on 28.08.2019; Jagjit Singh @ Jagga Gill versus State of Punjab, CRM-M-41242-2019, decided on 27.02.2020 and Baljit Kaur @ Baljito versus State of Punjab, CRM-M-12849-2020, decided on 04.06.2020, wherein accused were enlarged on bail in cases where the alleged recovery was slightly more than the quantity prescribed for non-commercial category under the NDPS Act.

6.2 The rival contention raised at par give rise to debatable issues which shall essentially 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.

6.3 As per custody certificate dated 8.12.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 8 months and 7 days. As per the said custody certificate, the petitioner is stated to be involved in 7 more cases/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/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.
- (viii) The petitioner shall submit, on the first working day of every month, an affidavit, before the concerned trial Court, to the effect that he has not been involved in commission of any



offence after being released on bail. In case the petitioner is found to be involved in any offence after his being enlarged on bail in the present FIR, on the basis of his affidavit or otherwise, the State is mandated to move, forthwith, for cancellation of his bail which plea, but of course, shall be ratiocinated upon merits thereof.

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

12.1.2026
Ashwanii

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