



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

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**CRM-M No.47963 of 2025
Date of decision : 3.9.2025**

Surjeet Singh @ Kaka

.....Petitioner

Versus**State of Haryana**

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

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

Mr. Deepak Grewal, 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.269 dated 24.5.2019, under Sections 22-B of Narcotic Drugs and Psychotropic Substances Act, 1985, (Section 27-A of NDPS Act added later on), 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 17 strips of alprazolam aplax 0.5 of tablets (total 23.008 grams) and 60 capsules of tramadol hydrochloride diclofenac sodium dicyclomine hydrochloride and chlorphernirammie maleate allegedly recovered from the conscious possession of the petitioner on 24.5.2019 in the street



leading to Guru Nanak Pura Mohalla, Ratia Road, Fatehabad.

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 13.2.2025 after having been re-arrested. Learned counsel has further argued that the petitioner was granted the concession of regular bail on 8.7.2019 wherein after he was appearing regularly but he could not appear thereafter on account of compelling circumstances arising out of ill health of his father. Learned counsel has further submitted that the bail earlier granted to the petitioner thereafter got cancelled and he was re-arrested on 13.2.2025 and is in continuous custody since then. Learned counsel has further submitted that the petitioner is a man aged 27 years and sole bread earner of his family. On the strength of these submissions 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 2.9.2025 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. It is not in dispute that the petitioner was earlier extended the concession of bail on 8.7.2019 and he was causing appearance before the concerned Court. However; keeping in view the factum of the petitioner having been granted concession of regular bail earlier on merits on 8.7.2019, he is having caused appearance before the concerned Court for



some time and is being in continuous custody since 13.2.2025; this Court is inclined to extend the concession of regular bail to the petitioner.

6.1 As per custody certificate dated 2.9.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 8 months and 4 days. As per the said custody certificate, the petitioner is stated to be involved in four more FIR registered under the provisions of IPC and NDPS Act. 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.
- (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

3.9.2025
Ashwani

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No