



201

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

CRM-M-29419-2025

Date of decision : 01.07.2025

**Suraj @ Rocky****.....Petitioner****versus****State of Haryana****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Abhimanu Jangra, Advocate  
for the petitioner.

Mr. Kirpal Singh Thakur, A.A.G., Haryana assisted by  
ASI Mahabir Singh.

**RAJESH BHARDWAJ, J. (Oral)**

1. Present petition has been filed for grant of regular bail to the petitioner in case FIR No.674 dated 20.10.2023, under Sections 21(b) and 29 of NDPS Act, registered at Police Station Ballabgarh City, District Faridabad.

2. Succinctly the facts of the case are that the police party while on patrolling on 20.10.2023, received a secret information to the effect that a person, named, Shammi resident of Nathu Colony was involved in selling of smack. It was informed that he would come to Pathwari Temple with the contraband and if the raid is conducted, he could be arrested along with the smack. On receiving the secret information, raiding team was constituted and the police reached at the disclosed place along with the secret informer and on identifying by the secret informer, a person



wearing check shirt was apprehended, who on asking, disclosed his name as Shammi. He was suspected to be carrying some contraband and thus, on giving the offer to be searched, search was conducted and from his right pocket 5.84 grams of smack was recovered. He failed to produce any licence for possession of the contraband and thus, FIR was registered and he was arrested on the spot. On registration of FIR, investigation commenced. During investigation, he made a disclosure statement about co-accused, namely, Suraj @ Rocky (present petitioner) and thus, he was also arrayed as an accused in the present case on 09.01.2025. Thereafter, the petitioner approached the Ld. Additional Sessions Judge, Faridabad, for grant of bail, however, after hearing both the sides, the same was declined by the Learned Additional Sessions Judge, Faridabad vide order dated 18.04.2025. Aggrieved by the same, the petitioner is before this Court by way of filing the present petition.

3. It has been contended by counsel for the petitioner that the petitioner has been falsely implicated in the present case. He submits that from the bare reading of the facts of the case, no role was assigned to the petitioner, however, he was implicated in the present case only on the basis of disclosure statement of the co-accused, which is not even an admissible evidence. It is submitted that investigation is already complete and challan is also presented. He submits that co-accused, namely, Shammi, from whom the alleged contraband was recovered, has already been granted bail by this Court vide order dated 09.02.2024 passed in CRM-M-6232-2024. He has submitted that though the petitioner is involved in other cases, however, he is on bail in those cases. He further submits that even otherwise the alleged recovery made is marginally above the small quantity. He thus, submits that in the facts and



circumstances of the present case, he deserves to be granted regular bail.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. He submits that the petitioner is a habitual offender who is involved in 13 more cases. He, on instructions, has submitted that investigation in the present case is complete and challan has already been presented and now the case is fixed for framing of charges. He has produced the custody certificate of the petitioner.

5. On hearing counsel for the parties and perusing the record, it is deciphered that the petitioner was named in the present case only on the basis of disclosure statement made by the co-accused from whom the alleged contraband of 5.84 grams of smack/heroin was recovered. Co-accused, namely, Shammi, has already been granted bail by this Court vide order dated 09.02.2024 passed in CRM-M-6232-2024. As per custody certificate, it is apparent that though the petitioner is involved in other cases, however, in some of the cases he is on bail.

6. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.



7. In case the bail bonds are not furnished by the petitioner during the period of 07 days from today, then his further custody period after one week will not be counted in the present case.

**01.07.2025**  
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**( RAJESH BHARDWAJ )**  
**JUDGE**

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