



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

**(204)**

**CRM-M-30986 of 2025 (O&M)  
Date of Decision: 10.6.2025**

Kundan Singh Sisodiya

.....Petitioner

Versus

State of Haryana

.....Respondent

**CORAM: HON'BLE MS. JUSTICE KIRTI SINGH**

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

Mr. Anmol Malik, DAG, Haryana.

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**KIRTI SINGH, J. (ORAL)**

1. The jurisdiction of this Court under Section 483 of BNSS has been invoked for grant of regular bail to the petitioner in case FIR No. 213 dated 30.8.2020 under Sections 18(c) and 27-A of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short '*the NDPS Act*'), registered at Police Station Sadar Ratia, District Fatehabad.

2. The brief matrix of the present case is that on 30.8.2020, a police party headed by SI Mahabir Singh, on the basis of suspicion apprehended co-accused Surjeet Singh and Satpal Singh @ Sattu while riding on motorcycle bearing registration No. HR-23F-2896 and recovery of 1 kg and 40 grams of opium was effected from them. During investigation, both the accused suffered disclosure statements wherein they disclosed that they had purchased the recovered contraband from the present petitioner.

3. Learned counsel for the petitioner submits that in the present case, allegedly recovery of 1 kg and 40 grams of opium was effected from



co-accused Surjeet Singh and Satpal @ Sattu, and the said quantity falls under the purview of non-commercial quantity. He further submits that the petitioner has been falsely implicated in the present case solely on the basis of disclosure statement of co-accused. Learned counsel further submits that co-accused Satpal Singh @ Sattu and Surjeet Singh have been granted regular bail by this Court respectively on 10.12.2020 (in CRM-M-36405-2020) and on 21.12.2020 (in CRM-M-37256-2020).

4. Learned State counsel has opposed the present petition, arguing that the allegations raised therein are serious in nature and thus the petitioner does not deserve the concession of the regular bail. He further submits that there are three other cases pending against the petitioner. However, on a pointed query made by this Court, he submits that there is no other case registered against the petitioner under the NDPS Act. Learned State counsel has placed on record custody certificate in Court, which is taken on record. As per custody certificate, the petitioner has undergone an actual custody of 05 months and 01 days and there is no other case registered against him. He on instructions submits that charges were framed and out of total of 20 prosecution witnesses, only 03 prosecution witnesses have been examined till date.

5. Heard the rival submissions made by learned counsel for the parties.

6. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars since 8.1.2025. The alleged recovery of the contraband falls under the purview of non-commercial quantity. The petitioner has been nominated in the present FIR on the basis of the disclosure statement suffered by the co-accused. The



main accused have been granted regular bail by this Court vide orders dated 10.12.2020 (in CRM-M-36405-2020) and on 21.12.2020 (in CRM-M-37256-2020). The final report under Section 173 Cr.P.C. was presented before the concerned Court and trial of the case has not made much progress as out of 20 prosecution witnesses cited, only 03 witnesses stand examined so far.

7. Therefore, the trial in the present case will not conclude anytime soon. The culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the accused/petitioner. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India including the right to speedy trial, and is against the principle “Bail is a rule, jail is an exception” as elucidated in the judgment of Apex Court in **“Dataram Singh vs. State of Uttar Pradesh and another”**, (2018) 3 SCC 22.

8. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

- (I) The petitioner will not tamper with the evidence during the trial.
- (II) The petitioner will not pressurize/intimidate the prosecution witness(s).
- (III) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (IV) The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which he is suspected.
- (V) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such facts to the Court or to any police officer or tamper with the evidence.

9. In case of breach of any of the above conditions, the



prosecution shall be at liberty to move an application for cancellation of bail before this Court.

10. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

11. Pending application(s), if any, also stands disposed of accordingly.

**(KIRTI SINGH)**  
**JUDGE**

**10.06.2025**  
Gurpreet Singh

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