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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-2352-2025 (O&M)

Date of Decision: 30.04.2025

VEER SINGH

...PETITIONER

Versus

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Robindeep Singh Bhullar, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG Punjab.

Harpreet Singh Brar, J. (Oral)

1. This is the third petition filed under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in case bearing FIR No. 57 dated 29.07.2023 registered under Sections 21/29/61/85 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') at Police Station Kiratpur Sahib District Rupnagar.
2. Prosecution story setup in the present case as per the version in the FIR as under:-

"Copy of Ruga "To, SHO, PS Kiratpur Sahib, Sir, Today I, ASI along with ASI Balbir Singh no.572/R, ASI Joginder Singh 530/R Constable C. Gurjit Singh 913/R, C-II Parvinder Singh 380/R on a Govt. vehicle bearing no. PB-5AW-5132 whose driver was Constable Himmat Singh 40/R was reached near Bus Stand Bunga Sahib for patrolling and checking the bad elements on the instructions of Inspector Satnam Singh Incharge CIA Staff, Rupnagar. It was about 3 PM that I, ASI received a secret information that in front of bus stand Bunga Sahib about 10 feet below one car colour red Fortuner bearing no. PB29AE-8391 is parked and on the driver seat, Sohan Lal @ Kala son of Malkiat Ram, r/o village Pandian PS Sadar Banga, District SBS Nagar and on the conductor seat Poonam wife of Gaurav alias Billa, resident of village Ghanauli, P.S. Rupnagar and two boys are sitting on the back side whose name are Veer Singh son of Balkar Singh r/o Atari, District



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Amritsar Rural and Baljit Singh @ Bitra son of Pal Singh, r/o village Cheecha, P.S. Gharinda, District Amritsar Rural and there are Heroine in huge quantity in this car. The same they are bringing from the border area and are sitting for giving to some customer, against whom many FIRs for supplying the Heroine have been registered against them. Sohan Lal @ Kala is a Proclaimed Offender and if the raid is conducted now they can be apprehended along with Car and Heroine in huge quantity can be recovered. The information is true and reliable. Thus, Sohan Lal @ Kala son of Malkiat Ram, r/o village Pandian PS Sadar Banga, District SBS Nagar and on the conductor seat Poonam wife of Gaurav alias Billa, resident of village Ghanauli, P.S. Rupnagar, Veer Singh son of Balkar Singh r/o Atari, District Amritsar Rural and Baljit Singh @ Bitra son of Pal Singh, r/o village Chicha, P.S. Garinda, District Amritsar Rural by keeping Heroine in their possession have committed an offence under section 61/85 of NDPS Act, therefore, ruqa is being sent through for registration of FIR against the aforesaid accused through C-II Parvinder Singh 380/R PS Kiratpur Sahib. FIR be registered and number be informed. Control room be informed through wireless. Circle DSP Shri Anandpur Sahib was requested to reach the spot by I/ASI from my phone no. 98723-12196 and requested him to reach the spot and MHC PS Kiratpur Sahib was asked to send one lady constable at the spot, I/ASI along with police party are busy at the spot for the waiting of DSP at 4 PM."

3. Learned counsel for the petitioner submits that this is the third petition seeking grant of regular bail to the petitioner and the second petition was dismissed as withdrawn on 11.09.2024 and the present petition has been filed on the ground that case of the petitioner is squarely covered by the ratio of law laid down by Hon'ble Supreme Court in ***Nandlal Mondal @ Abhay Mondal Vs. The State of West Bengal SLP (Crl.) No(s).12788/2023*** and also on the ground that similarly situated co-accused Baljit Singh @ Beeta has been granted the concession of regular bail by the Co-ordinate Bench of this Court vide order dated 19.02.2025 passed in CRM-M-61160-2024 and out of total 19 PWs, only 01 has been examined till date and petitioner is not involved in any other case under the NDPS Act.



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4. Learned State counsel produces the custody certificate of the petitioner, which is taken on record and *per contra*, opposes the prayer made by the petitioner on the ground that complicity of the petitioner is duly established. As such, he is not entitled to any relief by this Court. However, he could not controvert the fact that petitioner is behind the bars for the last 01 year 08 months and 26 days and out of total 19 PWs, only 01 has been examined so far.

5. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars from the last 01 year 08 months and 26 days as on 29.04.2025 and out of total 19 Pws, only 01 has been examined so far. Thus, conclusion of trial will take considerable long time.

6. A two Judge Bench of Hon'ble Supreme Court in '**Satender Kumar Antil v. CBI**' (2022) 10 SCC 51, with respect to prevailing conditions of undertrial prisoner in India has observed:

"6. Jails in India are flooded with undertrial prisoners. The statistics placed before us would indicate that more than 2/3rd of the inmates of the prisons constitute undertrial prisoners. Of this category of prisoners, majority may not even be required to be arrested despite registration of a cognizable offence, being charged with offences punishable for seven years or less. They are not only poor and illiterate but also would include women. Thus, there is a culture of offence being inherited by many of them. As observed by this Court, it certainly exhibits the mindset, a vestige of colonial India, on the part of the investigating agency, notwithstanding the fact arrest is a draconian measure resulting in curtailment of liberty, and thus to be used sparingly. In a democracy, there can never be an impression that it is a police State as both are conceptually opposite to each other."

7. Further the culpability, if any, would be determined at the time of trial and as such, no useful purpose will be served by further detention of the

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petitioner-accused. 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.

8. In view the discussion above, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner-Veer Singh is ordered to be released on regular bail during pendency of the trial, on furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court/Duty Magistrate.

9. Nothing observed hereinabove shall be construed to be expression of an opinion by this Court on merits of the case. The learned Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

(HARPREET SINGH BRAR)
JUDGE

30.04.2025*Ajay Goswami**Whether speaking/reasoned**Whether reportable**Yes/No**Yes/No*