



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M No.2004 of 2025
Date of decision: 21.01.2025

Sagar Parle
.....Petitioner
Versus
State of Haryana
.....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Pawan Attri, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in FIR No.14 dated 01.02.2024 registered under Section 22(c) of the NDPS Act at Police Station Sector 9, Ambala City, District Ambala.
2. The brief facts of the case are that on 01.02.2024, ASI Matlub Hussain, along with other police officials, was on patrolling duty near Sector 8 Ground, Ambala City. In the meantime, a secret informant alerted him that Sumit @ Gochu was selling intoxicant injections and would be coming from Manav Chowk in order to sell them. Acting on this tip, the police set up a checkpoint near Shani Dev Mandir. Shortly after, they spotted a young man coming, however, on seeing the police party, he turned back and started walking briskly and

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thereafter, he was apprehended by the police on the basis of suspicion. The said person identified himself as Sumit @ Gochu. A search was conducted upon and recovery of 15 intoxicant injections, totaling 30 ML, was found in his possession without a permit. Based on his disclosure, Sumit revealed that he had bought the injections from Kamal, who, in turn, stated that he had obtained them from Sagar Parle (petitioner herein). Thereafter, the impugned FIR was registered.

3. Learned counsel for the petitioner inter alia contends that the petitioner has been falsely implicated and the alleged contraband has been recovered from the possession of the co-accused of the petitioner namely Sumit @ Gochu and during the course of investigation, the co-accused – Sumit @ Gochu suffered a disclosure statement that he has purchased the said contraband from one Kamal and thereafter, Kamal was nominated as an accused and he further suffered a disclosure statement and thereafter, he named the present petitioner as the supplier of the contraband. He further submits that any disclosure statement recorded by the police officials under Section 67 of the NDPS Act would be hit by Section 25 of the Indian Evidence Act and such statement has no evidentiary value in the eyes of law.

4. Learned counsel for the petitioner further submits that the alleged contraband recovered from the co-accused of the petitioner falls within the category of non-commercial quantity. He contends that the investigation of the case is complete and the petitioner is having clean

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antecedents and he is not involved in any other case registered under the NDPS Act and the petitioner is behind the bar since 01.09.2024.

5. *Per contra*, learned State counsel opposes the prayer made by learned counsel for the petitioner on the ground that the petitioner had supplied the alleged contraband, which was recovered from the co-accused of the petitioner and as such, there is sufficient material to prove the complicity of the petitioner, however, he could not controvert the fact that the petitioner is behind the bar from the last 04 months and 18 days and out of 23 prosecution witnesses, none has been examined till date.

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 from the last 04 months and 18 days. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. Charges were framed and trial of the case has not made much progress. Out of 23 prosecution witnesses, none has been examined so far.

7. A two Judge Bench of Hon'ble Supreme Court in ***"Satender Kumar Antil vs. 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

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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.”

8. 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 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.

9. In view the discussion above, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner – Sagar Parle is ordered to be released on regular bail during pendency of the trial, on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

10. 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

21.01.2025

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Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No