



226

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

CRM-M-8553-2025

Date of decision: 24.07.2025

Tajinder Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Krishan Daaria, Advocate and
Ms. Vanshika Daaria, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking regular bail in case bearing FIR No.92 dated 03.10.2024 under Section 15-C of the NDPS Act (Section 29 of the NDPS Act added later on) registered at Police Station Khamano, District Fatehgarh Sahib.

Summarily, the facts of the case are that on 03.10.2024, in the area of Police Station Khamanon, one, Yasin Mohd was apprehended by the police and from his possession 75 kg of poppy husk was recovered and the accused/petitioner was arrested in this case on the basis of disclosure statement of co-accused-Yasin Mohd and hence, the present petition.

Learned counsel for the petitioner *inter alia* contends that admittedly, 63 kg of poppy husk was recovered from the conscious and exclusive possession of co-accused, namely, Yasin Mohd. who has been apprehended at the spot by the police along with the contraband on 03.10.2024. The petitioner is not named in the FIR (*supra*) nor there is any evidence to



CRM-M-8553-2025

-2-

remotely connect the petitioner either with the co-accused or with the alleged recovered contraband. He has been nominated as an accused on the basis of disclosure statement made by co-accused during his custodial interrogation which has no evidentiary value in the eyes of law as the statements recorded by the police under Section 67 of NDPS Act would be hit by Sections 25 and 26 of Indian Evidence Act. He further submits that the petitioner has undergone more than 09 months of actual custody and he is not involved in any other case.

The learned State counsel has filed custody certificate in the Court today which is taken on record and per contra, opposes the grant of regular bail to the petitioner on the ground that there is sufficient material available on record to prove the complicity of the petitioner and as such, he does not entitle to any relief.

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.”

Having heard learned counsel for the parties and after perusing the

**CRM-M-8553-2025****-3-**

record of the case, it transpires that the petitioner is behind the bars since 11.10.2024. Investigation is complete. 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 only 01 out of 27 prosecution witnesses has been examined so far and 01 has given up. 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.

In view the above, the present petition is allowed. Thus, without commenting upon the merits of the case lest it may prejudice the outcome of the trial, the petitioner-Tajinder Singh is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

(HARPREET SINGH BRAR)
JUDGE

24.07.2025*Neha*

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