

**CRM-M-9635-2025 (O&M)****213****IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH****CRM-M-9635-2025 (O&M)****Date of Decision: 16.05.2025****SATNAM SINGH****...PETITIONER****Versus****STATE OF PUNJAB****...RESPONDENT****CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Mr. Chandan Singh Rana, Advocate
for the petitioner.

Mr. Subhash Godara, Addl. AG Punjab.

*********Harpreet Singh Brar, J. (Oral)**

1. This is the first petition filed under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in case bearing FIR No. 132 dated 18.07.2023 registered under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter to be referred as NDPS Act) (Section 29 of NDPS Act added later on) at Police Station Sidhwan Bet, District Ludhiana Rural.

2. The brief facts of the case are that a secret information was received by the police party that Amarjit Singh does illegal trade of selling intoxicant tablets and if a raid is conducted then, he can be apprehended and thereafter, it was alleged that a raid was conducted by the police party and 305 intoxicant tablets were recovered from the possession of co-accused namely Amarjit Singh.

3. Learned counsel for the petitioner *inter alia* contends that FIR(supra) was registered on the basis of secret information and petitioner is neither named in the FIR nor in the secret information. Further no recovery was effected from the conscious and exclusive possession of the petitioner and he has been nominated as accused in the FIR(supra) only on the basis of disclosure statement made by co-accused Amarjit Singh, which is not admissible in the



CRM-M-9635-2025 (O&M)

2

eyes of law and except the disclosure statement of co-accused Amarjit Singh, there is no substantive evidence against the petitioner to connect him with the alleged recovery. The petitioner is behind the bars since 02.09.2024.

4. Learned State counsel produces the custody certificate of the petitioner, which is taken on record and *per contra* opposes the grant of regular bail to the petitioner on the ground that complicity of the petitioner is duly established during the course of investigation and further the petitioner is also involved in two more cases under the NDPS Act.

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 08 months and 11 days. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court and trial of the case will take considerable long time to conclude. 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.

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. In view of the ratio of law laid down by Hon’ble Supreme Court in **Prabhakar Tiwari Vs. State of UP and Anr.** 2020(1) RCR (Criminal) 831 and **Maulana Mohd. Amir Rashadi Vs. State of U.P. and Others** 2012(2) SCC 382, the involvement of accused in other criminal cases cannot be the sole ground to deny him the concession of bail.
8. In view the discussion above, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner- Satnam 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

16.05.2025

Ajay Goswami

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No