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

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CRM-M-16424-2025
Date of decision: 29.07.2025

Khushdeep Singh (@ Deep

....Petitioner

Versus

State of Haryana

...Respondent

2)

CRM-M-20934-2025

Simranjeet @ Simarjeet Kaur

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. G.S. Sandhu, Advocate
for the petitioner (in CRM-M-16424-2025).

Mr. J.S. Dhaliwal, Advocate
for the petitioner (in CRM-M-20934-2025).

Mr. Satbir Goripuria, DAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

This common order shall dispose of the aforementioned petitions as they arise from a similar factual matrix. However, for the sake of brevity, the facts are taken from CRM-M-16424-2025.

The present petition(s) has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking regular bail in case bearing FIR No.297 dated 01.08.2024 under Section 21(C) of the NDPS Act registered at Police Station City Mandi Dabwali, District Dabwali, Sirsa.

Succinctly, the facts of the case are that on 01.08.2024 Khushdeep Singh @ Deep (the petitioner herein) was apprehended with 260 grams of *heroin* without any permit or license in the area of police station City Dabwali



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and thus, the instant case.

Learned counsel for the petitioner, namely, Khushdeep Singh @ Deep, *inter alia* contends that he has been falsely implicated in the present case. Nothing has been recovered from the petitioner and the alleged contraband has been planted upon the petitioner. He further submits that the alleged contraband which has been recovered from the petitioner was taken into possession and was weighed along with the polythene bag. Further, the quantity of the alleged recovered contraband is marginally higher than the commercial quantity and if the weight of the polythene bag is deducted from the actual recovery, the recovered contraband would fall within the ambit of non-commercial quantity. The petitioner is behind the bars since 01.08.2024.

Learned counsel for the petitioner, namely, Simranjeet @ Simarjeet Kaur submits that she has been falsely implicated in the present case and there is no material to prove the conscious possession of the petitioner over the alleged contraband. The petitioner has been nominated as an accused on the basis of disclosure statement made by co-accused, Khushdeep Singh, which has no evidentiary value in the eyes of law as the same is hit by Sections 25 and 26 of the Indian Evidence Act.

The learned State counsel has filed custody certificates in the Court today which are taken on record and per contra, opposes the grant of regular bail to the petitioners on the ground that the petitioners are involved in other cases under the NDPS Act and the contraband recovered in the present case falls under the ambit of commercial quantity, as such, an embargo under Section 37 of the NDPS Act is applicable in the present case and thus, the



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petitioners are not entitled 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."

In cases where the recovery only marginally breaches the threshold for commercial quantity of the alleged contraband, this Court has found it proper to grant regular bail. Reference in this regard can be made to the judgments rendered by this Court in **Davinder Singh alias Baba vs. State of Punjab** in CRM-M-64821-2023 decided on 25.01.2024, **Gurmeet Singh vs. State of Punjab** in CRM-M-1007-2024 decided on 15.01.2024, **Ranjti Singh @ Ranjit Kumar vs. State of Punjab** in CRM-M-57185-2022 decided on 10.01.2023, **Jagtar Singh vs. State of Punjab** in CRM-M-21460-2022 decided



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on 08.02.2023, *Harjeet Singh alias Sonu vs. State of Punjab* in CRM-M-8242-2023 decided on 15.01.2024, *Jang Kanwar vs. State of Punjab in CRM-M-53415-2021* decided on 19.01.2022.

Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioners, namely, Khushdeep Singh @ Deep and Simranjeet @ Simarjeet Kaur, are behind the bars since 01.08.2024 and 25.10.2024, respectively. 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 out of 14 prosecution witnesses, none has been examined so far. The culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the accused/petitioners. Keeping the petitioners in further detention without the prospect of the trial being concluded in the near future, would be violative of their rights under Article 21 of the Constitution of India.

Keeping in view the law laid down by the Hon'ble Supreme Court of India in 'Prabhakar Tewari Vs. State of U.P. and another' 2020 (1) R.C.R. (Criminal 831) and 'Maulana Mohd. Amir Rashadi Vs. State of U.P. and Another', 2012 (2) SCC 382, the involvement of the petitioners in other cases would not be a ground to refuse grant of concession of regular bail.

In view the above, the present petitions are allowed. Thus, without commenting upon the merits of the case lest it may prejudice the outcome of the trial, the petitioners, namely, Khushdeep Singh @ Deep and Simranjeet @ Simarjeet Kaur, are ordered to be released on regular bail during



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trial on their 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.

A photo copy of this order be placed on the file of connected case.

(HARPREET SINGH BRAR)
JUDGE

29.07.2025

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