



235

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

CRM-M-17281-2025

Date of decision: 22.07.2025

Sarabjit Singh alias Laddi

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Kanisth Ganeriwala, Advocate
for the petitioner.

Mr. Nitesh Sharma, 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.166 dated 19.10.2023 under Sections 18/29/27 of the NDPS Act registered at Police Station GRP, District Ludhiana.

Summarily, the facts of the case are that on 19.10.2023 at around 10:00 A.M., the police officials were patrolling near Railway Station, Ludhiana. During the course of their patrolling, they observed a boy carrying a black rexine bag and a woman carrying a blue rexine bag. Upon noticing the presence of the police party, both individuals attempted to flee. However, they were apprehended by the police and upon search, it was found that each bag contained 06 kilograms of opium. Consequently, the aforementioned FIR was registered.

Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case. Admittedly, 12 kg of opium was recovered from the conscious and exclusive possession of co-



CRM-M-17281-2025

-2-

accused, namely, Mohd. Asif @ Aasif and Khataun Begam alias Khatun and both of them have been granted the concession of regular bail by this Court vide order dated 06.05.2025 passed in CRM-M-23089-2025 titled as 'Mohd. Asif @ Aasif Vs. State of Punjab' and order dated 24.04.2025 passed in CRM-M-1812-2025 titled as 'Khataun Begam alias Khatun Vs. State of Punjab' (Annexure P-8). He further submits that the petitioner has been nominated as an accused in the present case 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 same is hit by Sections 25 and 26 of the Indian Evidence Act. The petitioner has suffered incarceration of six months and out of 18 prosecution witnesses, not even a single witness has been examined till date. Although, the petitioner is involved in one more case under the NDPS Act, however, he is on bail. The petitioner is behind the bars since 08.01.2025.

Per contra, the learned State counsel 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 the alleged contraband falls within the ambit of commercial quantity and thus, the petitioner is not entitled to any relief. He further submits that the petitioner is involved in one more case, however, he could not controvert the fact that he is on bail in the said case and out of 18 prosecution witnesses, not even a single witness has been examined till date.

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.”

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 petitioner in other cases would not be a ground to refuse grant of concession of regular bail.

Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars since 08.01.2025. 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 18 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/petitioner. Keeping the petitioner in further detention without the

**CRM-M-17281-2025****-4-**

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-Sarabjit Singh @ Laddi, 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

22.07.2025*Neha*

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