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

CRM-M-19986-2025

Date of decision: 24.04.2025

Gam Singh

....Petitioner

Versus

State of Haryana

...Respondent

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

Mr. Vikas Bhardwaj, AAG, Haryana.

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.113 dated 30.10.2020 (wrongly mentioned as 31.10.2020 in Annexure P-1) under Sections 22(C)/29 of the NDPS Act, registered at Police Station Rori, District Sirsa.

Summarily, the facts of the case are that on 30.10.2020, co-accused, namely, Paramjit Singh @ Pamma, Harbans Singh and Sukhdeep Singh @ Sipra, were arrested along with 2820 Tramadol Hydrochloride Tablets, 100 mg Tredol-100 without any permit or license in the area of Police Station Rori after complying with the provisions of NDPS Act and they stated in their disclosure statements that recovered contraband was purchased from the petitioner and, thus, the instant FIR was registered.

Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case. Further, admittedly, nothing has been recovered from the conscious possession of the petitioner.



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The petitioner has been nominated as an accused on the basis of disclosure statement of the co-accused recorded during his custodial interrogation, which has no evidentiary value in the eyes of law as the same is hit by Section 25 of the Indian Evidence Act. Apart from the disclosure statement, there is no other legally admissible evidence against the petitioner. The petitioner is behind the bars since 07.07.2024.

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 2820 Tramadol Hydrochloride Tablets were recovered which falls within the ambit of commercial quantity and the petitioner is the supplier of the intoxicating tablets and he is involved in three more cases, out of which, he has been convicted in two cases. However, he could not controvert the fact that out of 15 prosecution witnesses, none 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."

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



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07.07.2024. 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 out of 15 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 prospect of the trial being concluded in the near future, would be violative of his 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 petitioner in other cases would not be a ground to refuse grant of concession of regular bail.

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-Gam 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

24.04.2025

Neha

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