



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**
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CRM-M-23148-2025
Date of decision: 24.07.2025

Arvinder Singh @ Mani

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. G.S. Randhawa, Advocate
for the petitioner.

Mr. Nitesh Sharma, DAG, Punjab.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this petition filed under Section 483 of the BNSS, 2023, is for grant of regular bail to the petitioner in FIR No.022 dated 26.02.2025 registered under Sections 21, 29, 27-A of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') (Section 111 of BNS, 2023 added later on) at Police Station Shri Hargobindpur, Police District Batala, District Gurdaspur.

2. As per the prosecution case, Jaskirat Singh and Sikander Singh were found in possession of 5 grams of heroin each along with a weighing scale. Based on their disclosure statement, Arvinder Singh was nominated as the supplier of the heroin. Upon his apprehension, 3.8 grams of heroin and drug money amounting to ₹2200/- were recovered from his possession.



3. Learned counsel for the petitioner *inter alia* contends that the petitioner is not named in the FIR and admittedly, Jaskirat Singh and Sikander Singh were found in possession of 5 grams of heroin each and thereafter, on the basis of the disclosure statement made by them during the custodial interrogation, the present petitioner has been nominated in the impugned FIR, however, such statement has no evidentiary value in the eyes of law as the same is hit by Sections 25 and 26 of the Evidence Act. Learned counsel for the petitioner further submits that the recovery of 3.8 gms of heroin has been planted upon the petitioner only to show the successful interception of drug related cases and statewide campaign.

4. Learned counsel for the petitioner further submits that the petitioner is in custody since 10.03.2025 and the recovery allegedly effected from the petitioner falls within the ambit of small quantity, as such the embargo created under Section 37 of the NDPS Act would not apply and the trial is likely to take long time in conclusion.

5. *Per contra*, learned State counsel has filed custody certificate today in the Court which is taken on record and he opposes the prayer made by learned counsel for the petitioner on the ground that the petitioner is a habitual offender and he is earlier involved in three more cases registered under the NDPS Act, however, he could not controvert the fact that the petitioner is in custody since 10.03.2025.

6. 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 04 months and 12 days. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. Charges were framed and trial of the case has not made much progress.

7. A two Judge Bench of Hon'ble Supreme Court in ***“Satender Kumar Antil vs. 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.”

8. Further the culpability, if any, would be determined at the time of trial and as such, no useful purpose will be served by further detention of the petitioner-accused. 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.

9. Further 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.

10. In view of the above discussions, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner namely Arvinder Singh @ Mani 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.

11. 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

24.07.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No