



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

236

CRM-M-28440-2025

Date of decision: 31.07.2025

Ramandeep Singh Sidhu @ Rimmi

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Naveen Sharma, Advocate
for the petitioner.

Mr. Nitesh Sharma, DAG, Punjab.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this 2nd petition filed under Section 483 of the BNSS, 2023, is for grant of regular bail to the petitioner in FIR No.155 dated 10.10.2024 registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') (challan presented under Sections 22, 29, 25 of the NDPS Act) at Police Station Talwandi Sabo, District Bathinda. The 1st petition filed by the petitioner seeking the same relief was dismissed as withdrawn on 15.01.2025.

1.1. Learned counsel for the petitioner submits that this 2nd petition, seeking regular bail to the petitioner, has been filed with the changed circumstances that the challan/final report under Section 193 of BNSS (erstwhile Section 173 of Cr.P.C.) has been presented before the learned trial Court.



2. As per prosecution story, on 10.10.2024, co-accused Jabbar Nauniyal Singh was arrested, who was transporting 15 strips each containing 10 tablets of Buprenorphine and Naloxone Sublingual and 75 cutting strips containing 2 tablets each, on motorcycle make Royal Enfield bearing registration no. PB-03-BK-5060 belonging to applicant Ramandeep Singh Sidhu. Subsequently, the police nominated the applicant for allowing the use of his ownership motorcycle by co-accused for transporting intoxicating material and he was arrested. Further based on the disclosure statement of Jabbar Nauniyal Singh, another co-accused Lakhwinder Singh was nominated as subsequent purchaser of the contraband and he was booked under Section 29 of the NDPS Act, vide DDR no. 34 dated 12.10.2024. After completion of investigation, challan was presented,

3. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the FIR (supra). Admittedly, the intoxicating tablets were recovered from the co-accused Jabbar Nauniyal Singh. The petitioner was neither named in the FIR (supra) nor arrested at the spot. The petitioner has been nominated as an accused in the FIR (supra) on the basis of the 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 Evidence Act. The petitioner is having clean antecedents and is not involved in any other case.



4. Learned counsel for the petitioner further submits that there are total 19 prosecution witnesses cited in the list of witnesses, out of which, no PW has been examined till date 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 complicity of the petitioner is duly established, however, he could not controvert the fact that the petitioner is not involved in any other case.

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 07 months and 28 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. Out of 19 prosecution witnesses, no PW has been examined so far.

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. In view of the above discussions, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner namely Ramandeep Singh Sidhu @ Rimmi 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.

10. 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

31.07.2025

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Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No