



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**
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CRM-M-27798-2025
Date of decision: 22.07.2025

Sanjeev
.....Petitioner
Versus
State of Haryana
.....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Navkiran Singh, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

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.677 dated 05.11.2024 registered under Sections 22-C, 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') (Section 29 of the NDPS Act, added later on) at Police Station Indri, District Karnal.
2. The brief facts of the case are that on 04.11.2024, SI Rohtash Singh along with his police team, acting on a secret information, set up a barricade near Anaj Mandi, Indri to intercept Kamal Nath, suspected of selling narcotic drugs. Kamal Nath was spotted riding a motorcycle, who tried to flee but was apprehended. After being served a notice under Section 50 of the NDPS Act, Kamal requested his search to be conducted before a gazetted officer. Upon



search, three boxes containing a total of 696 Tramadol capsules and six strips with 144 capsules were recovered, weighing about 519 grams. Kamal Nath failed to produce any valid permit for the drugs, leading to the registration of an FIR against him. Thereafter, on the basis of the disclosure statement made by Kamal Nath, the present petitioner has been nominated as an accused in the FIR (supra).

3. Learned counsel for the petitioner *inter alia* contends that the perusal of the case set up by the prosecution clearly indicates that the intoxicant tablets i.e. 862 capsules of Tramadol, has been allegedly recovered from the conscious possession of the co-accused Kamal Nath. The petitioner has been nominated as an accused in the FIR (supra) on the basis of disclosure statement made by co-accused Kamal Nath, during his custodial interrogation, 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.

4. Learned counsel for the petitioner further submits that the petitioner is having clean antecedents and is not involved in any other case. There are total 20 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 huge quantity of contraband was recovered in the FIR (supra), which



falls within the ambit of commercial quantity and the petitioner is the supplier of the said contraband and as such, he is not entitled to any relief, 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 08 months and 15 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 20 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 Sanjeev 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

22.07.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No