



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

CRM-M-28542-2025
Date of decision: 28.05.2025

AMARJIT SINGH

...PETITIONER

V/S

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Vipin Mahajan, Advocate for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 483 BNSS grant of regular bail to the petitioner in the case bearing FIR No.30 dated 09.09.2023 registered under Sections 21, 25, 29 of NDPS Act at Police Station Special Operation Cell Amritsar, Intelligence Wing (CID), District Gurdaspur Punjab.

2. The present FIR was registered on the basis of secret information that Amarjeet Singh (petitioner herein), Gursewek Singh, Sher Singh, Ranjit Singh and Dalbir Kaur are doing smuggling of Heroin and whenever petitioner-Amarjeet Singh has to supply the Heroin, he takes Dalbir Kaur along with him, in order to avoid any suspicion. The secret informer further informed that all the accused are roaming in their Tata Indica Car bearing No. PB-10-CY-5466 in the area of Amritsar Batala bypass for supplying the Heroin. Finding the information reliable, a ruqa was sent through H.C. Rajesh Kumar for registration of the FIR. On these allegations, FIR(*supra*) was registered.



3. Learned counsel for the petitioner, *inter alia*, contends that admittedly, the contraband recovered from the dashboard of the car, belongs to Ranjit Singh, who has been granted the concession of regular bail by the Co-ordinate Bench of this Court in case bearing **CRM-M No.25952 of 2024** titled as ***Ranjit Singh vs. State of Punjab*** vide order dated 11.12.2024. He further contends that the petitioner has no connection whatsoever with the alleged offence and it was only a matter of co-incidence that the petitioner was also present in the car along with other co-accused. Furthermore, all the accused are family members and have been entangled in the FIR (*supra*), whereas only Ranjit Singh was liable to be prosecuted for keeping in possession the alleged contraband. Learned counsel submits that similarly situated co-accused, namely, Dalbir Kaur has been granted the concession of regular bail by this Court in case bearing **CRM-M No.1423 of 2024** titled as ***Dalbir Kaur vs. State of Punjab*** vide order dated 16.01.2024. Further, the petitioner has undergone a custody period of 01 year, 08 months and 15 days and till date, the prosecution has not concluded its evidence as out of total 17 witnesses, only 02 have been examined so far. Learned counsel furthermore submits that the case of the petitioner is now squarely covered by the judgment of Hon'ble Supreme Court in ***Nandlal Mondal @ Abhay Mondal Vs. The State of West Bengal SLP (Crl.) No(s).12788/2023***.

4. Learned State counsel produces the custody certificate of the petitioner, which is taken on record and *per contra*, opposes the prayer of the petitioner on the ground that this Court cannot examine the probable defence pleaded by the petitioner in the present case. Moreover, the petitioner is involved in one more case under the NDPS Act and alleged contraband



recovered in the present case falls under the ambit of commercial quantity and as such the petitioner is not entitled to the concession of regular bail.

5. 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.”

6. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bar since 12.09.2023. The investigation of the case is complete. The trial of the case has not made much progress as out of 17 witnesses cited by the prosecution, only 02 have 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.

7. 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.

8. In view of 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-Amarjit Singh is ordered to be released on regular bail during the pendency of the trial on furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

9. 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.

May 28, 2025
manisha

(HARPREET SINGH BRAR)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No