



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

240

Date of decision: 31.07.2025

1. CRM-M-29287-2025

Sakattar Singh
.....Petitioner
Versus
State of Punjab
.....Respondent

2. CRM-M-22849-2025

Surat Singh
.....Petitioner
Versus
State of Punjab
.....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Vipin Mahajan, Advocate
for both the petitioners.

Mr. Rishabh Singla, AAG, Punjab.

HARPREET SINGH BRAR J. (Oral)

1. Vide this common order, I intend to dispose of CRM-M Nos.29287 and 22849-2025, as common questions of law and facts are involved for adjudication. For the sake of convenience, facts are taken from CRM-M-29287-2025.
2. Prayer in both these petitions filed under Section 483 of BNSS, 2023 is for grant of regular bail to the petitioner(s) namely Sakattar Singh and Surat Singh in FIR No.11 dated 02.02.2025 registered under Sections 21(c), 23 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') and

2025:PHHC:096997



Sections 10, 11 and 12 of the Air Craft Act, 1934 at Police Station Kalanaur, District Gurdaspur.

3. Succinctly, the facts of the case are that on 01.02.2025, BSF officials heard a humming sound of drone at Border Outpost Chanduwadala. The said officials swung into action and upon conducting a search, they apprehended two persons namely Sukhwinder Singh @ Sukhi and Amandeep Singh @ Gora (co-accused) working in the field of Harbhajan Singh. Consequently, a search of both these persons was effected, which resulted in the recovery of one packet of heroin weighing 550 grams along with 2 mobile phones. Upon further search of the area, one black Hero Splendor motorcycle, bearing registration No.PB-02- BV-6122 was also recovered. Subsequently, the police officials were informed and FIR (supra) was registered against both the co-accused. During interrogation, co-accused disclosed the name of the petitioner as one of the offenders, resulting in the nomination of the petitioner as one of the accused in the FIR(supra).

4. Learned counsel for the petitioner(s) *inter alia* contends that the petitioner Sakattar Singh is only aged about 21 years and both the petitioners are having clean antecedents and they are not involved in any other case. Further there is no evidence which was made part of the final report, which could remotely connect both the petitioners with the alleged recovery of contraband, which admittedly has been recovered from the conscious and exclusive possession of the co-accused. Both the petitioners have been falsely implicated in the FIR (supra) on the basis

2025:PHHC:096997



of suspicion as the petitioners, being the co-villagers of the co-accused, have made a phone call to them when they did not return back to their home. The entire case of the prosecution hinges upon the disclosure statement made by co-accused, during the 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. Both the petitioners are in custody since 12.03.2025

5. Learned counsel for the petitioner(s) 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.

6. *Per contra*, learned State counsel has opposes the prayer made by learned counsel for the petitioner(s) on the ground that the complicity of both the petitioners is duly established in the present case, however, he could not controvert the fact that the petitioner(s) are not involved in any other case.

7. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner(s) are behind the bars since 12.03.2025. 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.

2025:PHHC:096997



8. 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."

9. 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(s)-accused. Keeping the petitioner(s) in further detention without the prospect of the trial being concluded in the near future, would be violative of their rights under Article 21 of the Constitution of India.

10. In view of the discussion made hereinabove, the present petitions are allowed. Accordingly, without commenting upon the merits of the case, the petitioner(s) namely Sakattar Singh and Surat Singh are

2025:PHHC:096997



ordered to be released on regular bail during pendency of the trial, on their 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.

12. A photocopy of this order be placed on the file of other connected case.

(HARPREET SINGH BRAR)
JUDGE

31.07.2025
yakub

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