



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

**CRM-M-34074-2025**  
**Date of decision: 09.07.2025**

**RAJBIR ALIAS RAJA**

**...PETITIONER**

**V/S**

**STATE OF HARYANA**

**...RESPONDENT**

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Mr. Raman Chawla, Advocate for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

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**HARPREET SINGH BRAR, J. (ORAL)**

1. This is the first petition filed under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in case bearing FIR No.21 dated 14.01.2023 registered under Sections 21(C), 27-A, 25, 29, 31/61/85 of NDPS Act, 1985 at PS Adampur, District Hisar.
2. Succinctly, the facts of the case are that on 14.01.2023, when ASI Shakti along with other police officials were present at Bus Stand, Village Kohli, a secret information was received by him that one Ravinder @ Bhola is indulged in the business of selling the heroin in Adampur area and he is present near Bhadu Gas Agency, Kherampur Road, Sadalpur to sell heroin to someone and if raid is conducted, he would be apprehended with huge quantity of heroin. Finding said information reliable, the requisite formalities prescribed under the provisions of NDPS Act were completed and aforesaid Ravinder @ Bhola was apprehended and recovery of 500 grams of heroin was effected from his possession. The police recorded his disclosure statements on 15.01.2023 and 16.01.2023. In his disclosure statement dated 15.01.2023, he



stated that he brought the alleged contraband from Delhi along with co-accused-brothers namely Amardeep and Pardeep. In his disclosure statement dated 16.01.2023, he rejected his earlier disclosure statement and stated that he along with his father Krishan, brother Amardeep and brother Pardeep brought the alleged contraband from Delhi. The petitioner has been nominated as accused on the basis of disclosure statement of co-accused.

3. Learned counsel for the petitioner *inter alia* contends that as per the case set up by the prosecution, initially, one Ravinder @ Bhola was apprehended along with 500 grams of Heroin. Thereafter, during his custodial interrogation, he suffered a disclosure statement and one Pardeep was nominated as seller of the contraband, recovered from Ravinder @ Bhola. After the arrest of the co-accused Pardeep, he suffered a disclosure statement, on the basis of which, co-accused, namely, Amardeep, Monu and Ashok were nominated. Further, the afore-mentioned co-accused, namely, Amardeep, Ashok, Pardeep and Monu were granted the concession of regular bail by this Court vide order dated 08.12.2023 passed in **CRM-M-47511-2023**; order dated 13.02.2024 passed in **CRM-M-6422-2024** and order dated 14.02.2024 passed in **CRM-M-46816-2023** respectively. It is further contended that the petitioner has been nominated as accused on the basis of disclosure statement of co-accused-Pardeep on the allegation that the petitioner has purchased 100 grams of Heroin from him. Admittedly, nothing has been recovered from the possession of the petitioner and apart from the disclosure statement made by the co-accused during his custodial interrogation, which has no evidentiary value in the eyes of law, there is no other evidence to connect the petitioner with the alleged contraband. The petitioner is behind the bars since 12.05.2025.



4. *Per contra*, learned State counsel produces the custody certificate of the petitioner, which is taken on record and *per contra* opposes the prayer for grant of regular bail to the petitioner on the ground that there is sufficient material available on record to prove the complicity of the petitioner. Further, the petitioner is habitual offender as he is involved in three more cases, out of which, one case is under the NDPS Act and two cases are under the Excise Act, as such, he is not entitled to be released on regular bail.

5. 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 01 month and 27 days. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court and trial of the case will take considerable long time to conclude. 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.

6. 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.”*

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 the discussion above, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner- Rajbir @ Raja 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.

9. 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.

July 09, 2025  
*manisha*

(HARPREET SINGH BRAR)  
JUDGE

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