



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**
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CRM-M-34986-2025 (O&M)
Date of decision: 11.07.2025

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

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ashish Gupta, Advocate
and Mr. Duni Chand, Advocate
for the petitioner.

Mr. Nitesh Sharma, DAG, Punjab.

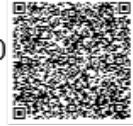
HARPREET SINGH BRAR J. (Oral)

CRM-25363-2025

Allowed as prayed for.

CRM-M-34986-2025

1. Prayer in this petition filed under Section 483 of the BNSS, 2023/439 of Cr.P.C., is for grant of regular bail to the petitioner in FIR No.101 dated 13.05.2025 registered under Sections 105, 3(5) of the Bharatiya Nyaya Sanhita, 2023 (in short 'BNS, 2023') and Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') at Police Station City Rajpura, District Patiala.
2. As per the prosecution case, the FIR (supra) was registered on the basis of a statement made by Rajji, wife of Manpreet Singh. She stated that she has two brothers Vijay Kumar, who is mentally unwell, and Karan, her younger brother, who was employed at a hotel in Banur



and was known to be a drug addict. According to Rajji, Karan had informed her that Tajinderpal Singh, owner of Canadian Guest House, Rajpura, and Asha, wife of Gaman, resident of Village Jansuha, were supplying drugs to Karan and they had been demanding money from him. She alleged that Karan had been missing for the past 3–4 days, and during the family's search for him, they came to know that Asha had taken him to Canadian Guest House and there Tajinderpal Singh Gill and Asha administered drugs to her brother Karan, leading to his death. His body was later found at the Civil Hospital, Rajpura.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the FIR (supra). The complainant herself admitted that her deceased brother was a drug addict. The petitioner has fully cooperated with the jurisdictional police authorities. He submits that the deceased had taken one room on rent in the hotel of the petitioner and the petitioner has provided all the necessary details along with CCTV footage of the hotel to the investigating officer. Further the room was given on rent after obtaining the identity proof of the deceased i.e. Aadhar Card. When the woman companion of the deceased left the deceased in the room and the petitioner observed his deteriorating condition then he was got admitted in the hospital. Further, the alleged recovery of 4.43 grams of heroin has been planted upon the petitioner merely to show successful action against drug-related offences in the context of a statewide anti-drug campaign launched by the Punjab Police.



4. Learned counsel for the petitioner further refers to the contents of the FIR and also proceedings carried out by the police, which clearly indicates that nothing has been recovered from the counter/reception of the hotel owned by the petitioner. The alleged contraband, which has been recovered from the hotel of the petitioner, falls within the ambit of small quantity and as such, the same does not attract the embargo created under Section 37 of the NDPS Act. Further there is no legal evidence to indicate the complicity of the petitioner under Section 105 of BNS and thus *prima facie* no offence under Section 105 of BNS is made out against the petitioner. There is nothing on record to suggest that the deceased had died under suspicious or unnatural circumstances.

4.1. Learned counsel for the petitioner further submits that the petitioner is not involved in any other case and 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 the complicity of the petitioner is duly established in the alleged offence and the petitioner is also involved in one more case although he has completed his sentence in the said case, however, he could not



controvert the fact that the petitioner has suffered the incarceration of 01 month and 26 days.

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 01 month and 26 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. Further 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.

10. In view the discussion above, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner namely Tajinderpal Singh 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.

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.

(HARPREET SINGH BRAR)
JUDGE

11.07.2025

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No