

2025:PHHC:086041



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

**CRM-M-36437-2025
DECIDED ON:15.07.2025**

SOHAN LAL & ANOTHER

...PETITIONERS

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM:- HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. R.S. Bhullar, Advocate
for the petitioner.

Mr. J.S. Rattu, DAG, Punjab.

SANDEEP MOUDGIL, J. (Oral)

1. Prayer

The present petition has been filed under Section 528 Bharatiya Nagarik Suraksha Sanhita, 2023, for directions to respondent Nos. 2 to 5 for serving prior notice to the petitioners before arrest in case FIR No. 103 dated 30.06.2025 under Section 21 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sadar Nawanshahr, District SBS Nagar, Annexure P-4.

2. Contentions

On behalf of the petitioners

Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case and no specific role has

been attributed to the them. He further submits that as their son namely Abhishek Singh has been arrested in the instant case, the police officials, due to history of petitioner No.1, earlier involved in some NDPS cases, will try to nominate them in this case on the basis of disclosure statement of their son. He further submits that petitioner No.1 has been acquitted in most of the cases filed against him

On behalf of respondent-State

Learned State counsel submits that petitioner No.1 is involved in 16 other cases and has been nominated in the instant case vide G.D No. 29 dated 02.07.2025 which fact has been suppressed before this Court in order to obtain a blanket order of bail from this Court.

3. Analysis

Heard respective counsel for the parties.

This court cannot shut its eyes to the alarming fact that the drug usage in the state of punjab has been escalating over time. Drug addiction is a deadly cycle that has ensnared a sizeable youth of the state, where the number of addicts is rising daily. One million heroin addicts are legally recognised in our country but there may be as many as five million unauthorised users, according to a UN assessment. What began as sporadic use among a tiny subset of young people from high-income families in the metro has spread to every aspect of society. The usage of intravenous drugs, especially in conjunction with other sedatives and medicines, has replaced the inhalation of heroin alone. As a result, the effect is more intense, addiction has developed faster, and recovery has become more difficult.

It is high time that the judiciary takes serious note of this growing menace. As the guardian of the rights and well-being of the citizens of this country, the court must recognize the devastating impact that drug trafficking and abuse especially involving intravenous heroin use is having on our youth. The offenders, many of whom profit from the vulnerability and innocence of children and adolescents, are not merely breaking the law; they are actively destroying futures.

These young individuals, who have not yet fully blossomed mentally, emotionally, or physically are being trapped in a vicious cycle of addiction before they even understand the consequences. For the sake of a few pennies or a quick profit, these criminals are extinguishing potential, derailing lives, and placing an unbearable burden on families and society at large.

Therefore, it is not only appropriate but necessary for the courts to deal with such offenders more sternly and stringently. Leniency in such cases sends the wrong message that the lives of our youth are negotiable, that their safety can be compromised without serious consequences. The justice system must act not only to punish, but to deter. It must show that the exploitation of vulnerable young people through drugs will be met with the full force of the law.

This is not merely a legal issue, it is a moral and societal emergency. The judiciary, along with lawmakers, law enforcement, and civil society, must rise to the occasion to ensure that our youth are protected, rehabilitated, and given a real chance to thrive. The Constitution of India

guarantees the right to life under Article 21. This right includes the right to live with dignity, health, and access to a safe environment. When young citizens are lured into drug dependency and suffer irreversible harm, it becomes a collective failure of law enforcement, public health, education, and societal oversight. As the sentinel on the qui vive, the judiciary cannot remain a passive observer. It is incumbent upon this Court, as the guardian of fundamental rights, to ensure that appropriate preventive and punitive mechanisms are in place and rigorously enforced.

4. Conclusion

Upon careful perusal of the record, it has come to the notice of this Court that the petitioner has already been specifically nominated in connection with the present case, as reflected in G.D. No. 29 dated 02.07.2025. This is a crucial fact that ought to have been disclosed at the time of seeking relief. However, it appears that the petitioner, with deliberate intent, chose to suppress this information in order to mislead the Court and obtain a blanket order of bail under the guise of innocence. Such conduct is not only misleading but also constitutes an abuse of the process of the Court. The suppression of a material fact particularly one that directly pertains to the involvement of the accused in the case strikes at the very root of the principle of equity, which requires full and fair disclosure.

This Court cannot extend its discretionary relief to a litigant who approaches it with unclean hands.

Reverting to the plea raised by the petitioners that they were not present at the alleged spot of recovery, this Court is of the considered

opinion that such a contention, in the facts and circumstances of the present case, cannot be a valid ground to grant any form of protective relief. The conduct of the petitioners, particularly that of Petitioner No. 1, does not inspire the confidence of this Court. Notably, Petitioner No. 1 is already involved in as many as 16 other criminal cases, most of which pertain to offences of a similar nature under the NDPS Act, thereby reflecting a consistent pattern of alleged criminal behaviour.

Moreover, the disclosure statement of the main accused who is none other than their own son further implicates the petitioners in the offence. As per the disclosure, it is categorically stated that the petitioners are habitual drug peddlers, and that on the day in question, Petitioner No. 1 contacted him telephonically to inform him that a customer was waiting at Nawanshahr Bypass for delivery. The recovery of heroin, a prohibited narcotic substance, pursuant to this information, lends further credibility to the prosecution version at this preliminary stage.

The NDPS Act, being a stringent piece of legislation enacted to combat the serious threat of drug trafficking and abuse, imposes a higher threshold for the grant of bail, particularly in cases involving commercial quantities or repeat offenders. The object and purpose of the Act is to deter the menace of drug trafficking which poses a grave danger to public health and the social fabric, especially targeting vulnerable sections like the youth.

Given the gravity of the allegations, the past conduct of the petitioners, and the statements implicating them in active involvement in drug distribution, this Court finds no ground to extend any discretionary

relief. The misuse of bail jurisdiction in such cases not only undermines the spirit of the NDPS Act but also sends a dangerous message in the ongoing fight against narcotic abuse.

In view of this, the present petition is dismissed .

(SANDEEP MOUDGIL)
JUDGE

15.07.2025
Meenu

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