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

CRM-M-37899-2025

Date of decision: 23.07.2025

Jatinder Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Ranjodh Singh Sidhu, Advocate
for the petitioner.

Mr. Nitesh Sharma, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking regular bail in case bearing FIR No.117 dated 10.03.2025 under Sections 21(B)/29 of the NDPS Act registered at Police Station Goindwal Sahib, District Tarn Taran.

Brief facts of the case are that on 10.03.2025, when the police party in search of bad elements was going towards village Waring Suba Singh, Kallah, etc., and reached near cremation ground, village Kallah, one person was seen coming from the side of Gurudwara Baba Mallah Ji. The said person on seeing the police party got perplexed and took out a polythene envelope from the right pocket of his lower and threw the same on the ground and he was apprehended with 10 grams of *heroin* who disclosed his name as Ranjit Singh @ Joga and thus, the instant case.

Learned counsel for the petitioner *inter alia* contends that the petitioner is not named in the FIR (*supra*) and admittedly, one Ranjit Singh @ Joga, was apprehended at the spot and 10 grams of *heroin* was allegedly recovered from his possession. During the course of interrogation, co-accused,



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Ranjit Singh @ Joga, made a disclosure statement and petitioner was nominated as an accused which has no evidentiary value in the eyes of law and it is a trite law that the statements recorded by the police under Section 67 of NDPS Act would be hit by Sections 25 and 26 of Indian Evidence Act. After the arrest of the petitioner, the Investigation Agency has planted 03 grams of *heroin* on the petitioner just to show successful interception of persons engaged in a drug trafficking in a state wide campaign. The quantity recovered from the co-accused does not fall within the ambit of commercial quantity. The petitioner has suffered incarceration of more than 04 months. Although, he is involved in one more case under the NDPS Act in which the quantity involved, falls under the small quantity, however, he is on bail. Investigation of the case is complete.

The learned State counsel has filed custody certificate in the Court today which is taken on record and per contra, opposes the 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 also involved in one more case and thus, he is not entitled to any relief. However, he could not controvert the fact that the petitioner is on bail in the said case.

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



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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.”

Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars since 14.03.2025. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court and trial of the case has not made much progress as out of 08 prosecution witnesses, none has 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.

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

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.

(HARPREET SINGH BRAR)
JUDGE

23.07.2025

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