



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

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**CRM-M-37426-2025 (O&M)
Date of decision: 22.07.2025**

Vishal Gupta @ Sunny

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. J.S. Sandhu, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this petition filed under Section 483 of the BNSS, 2023, is for grant of regular bail to the petitioner in FIR No.392 dated 26.11.2024 registered under Sections 21(C), 22(C) of the NDPS Act, 1985 (Section 29 of the NDPS Act added later on) at Police Station Sector 65, Gurugram, District Gurugram.
2. As per the prosecution case, on 25.11.2024, on the basis of a secret information, a police raid was conducted at one Najim's residence with the assistance of the District Drug Inspector and a gazetted officer. During the raid, a large quantity of narcotic and psychotropic medicines were seized, including 120 bottles of Rexley-T syrup (Codeine Phosphate & Triprolidine Hydrochloride), 67 bottles of Maverfx-T syrup, and several other intoxicating capsules containing Tramadol, Dicyclomine Hydrochloride, and Acetaminophen. Thereafter, the impugned FIR was registered.



3. Learned counsel for the petitioner *inter alia* contends that the FIR (supra) was registered on the basis of a secret information and one person namely Najim was apprehended and from his conscious and exclusive possession, around 1900 capsules of intoxicant tablets were recovered. During the custodial interrogation, Najim suffered a disclosure statement and on the basis of the same, the present petitioner has been nominated as an accused in the FIR (supra). Thereafter, the investigating agency after apprehending the petitioner, has subjected him to custodial interrogation and thereafter, on the basis of his disclosure statement, the co-accused Ankit Katiyar has been nominated as an accused. Apart from the disclosure statement of co-accused, there is no other legal evidence to connect the petitioner with the alleged recovery of contraband. He further submits that the petitioner is having clean antecedents and is not involved in any other case. Further, the identically placed co-accused of the petitioner namely Ankit Katiyar has already been granted the concession of regular bail by this Court vide order dated 07.07.2025 passed in CRM-M-33661-2025.

4. Learned counsel for the petitioner further submits that the petitioner is behind the bars since 07.01.2025. Further the charges are yet to be framed and there are total 32 prosecution witnesses cited in the list of witnesses 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 was duly established during the course of investigation. Further the call detail record and bank statement between the petitioner and the co-accused Ankit Katiyar have been made part of the challan/final report in order to connect the petitioner with the alleged recovery, however, he could not controvert the fact that the petitioner is not involved in any other case.

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 06 months and 15 days. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. Charges are yet to be framed and trial of the case has not made much progress.

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. In view the discussion above, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner namely Vishal Gupta @ Sunny 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.

10. 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

22.07.2025

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No