



CWP-19894-2025

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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(205)

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Reserved on	Pronounced on	Uploaded on	Whether only the operative part of the judgment is pronounced	Whether the full judgment is pronounced
14.11.2025	18.11.2025	18.11.2025	No	Yes

Babli

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Mohit, Advocate and Ms. Pavitra, Advocate
for the petitioner.

Ms. Svaneel Jaswal, Additional Advocate General, Haryana

SUVIR SEHGAL, J.

1. This petition has been filed, *inter alia*, for issuance of a writ, in the nature of certiorari, for quashing orders dated 30.05.2025 and 01.08.2025, Annexures P-1 and P-6, respectively, passed by Secretary to Government, Haryana, Home Department, whereby petitioner has been detained for a period of six months under the provisions of Prevention of Illicit Traffic in Narcotics Drugs and Psychotropic Substances Act, 1988 (hereinafter referred to as “the PITNDPS Act”). Petitioner has also sought quashing of order dated 30.06.2026, Annexure P-4, whereby a representation given by petitioner’s daughter has been rejected.



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2. Counsel for the petitioner states that petitioner has been named as an accused in three different FIRs registered for offences under the NDPS Act. He asserts that small or intermediate quantity of heroin was allegedly recovered from the petitioner and although she has been convicted in one case, other two trials are pending, wherein she is on bail. It is his categorical assertion that petitioner is adhering to the conditions of bail imposed by the Trial Court and besides three criminal cases, there is no incriminating material with the detaining authority to form an opinion that the petitioner is likely to indulge in the trade of narcotic drugs. A strong reliance has been placed by him upon a judgment of a Division Bench of this Court in **Lakhwinder Singh alias Bhindi, Versus State of Haryana and others, (LPA-2654-2025, decided on 09.09.2025)** to emphasize that mere involvement in three cases under the NDPS Act is not sufficient to keep the petitioner in confinement.

3. *Per contra*, while opposing the petition, State counsel has made a detailed reference to the written statement filed to the amended writ petition. She asserts that in the year 2025, a total of 121 cases have been registered under the NDPS Act in District Hisar and of the 235 accused, petitioner is one of them. She states that 562 drug accused have been identified. She asserts that a proposal for detaining the petitioner was prepared on 22.03.2025 and was forwarded to the Director General of Police, Madhuban along with a dossier and complete record, which after consideration, was duly forwarded to the Secretary, Home Department, who has passed the impugned orders after considering and examining the incriminating material. It is her stand that the procedure prescribed under the PITNDPS Act has been adhered to before



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passing the detention orders and as there is material to show that petitioner, who is a habitual drug trafficker, is likely to indulge in nefarious activities. She has highlighted that petitioner's family members are also involved in the trade and there are three FIRs registered against petitioner's son, Arman, who is also accused of peddling heroin.

4. This Court has heard counsel for the parties and given a thoughtful consideration to the arguments addressed by them. The documents and other material referred to by the counsel has also been analyzed.

5. Petitioner has been found to be involved in three criminal cases, the details of which are as under:-

Sr. No.	FIR No., date, u/s and Police Station	Narcotic substance	Date of Arrest	Bail/ Custody	Present stage or Case
1	FIR No.344 dated 25.04.2020 u/s 21(b) NDPS Act and 188 IPC, PS HTM, Hisar, Haryana	9 gm heroin	06.05.2020	Bail granted on 11.06.2020	Convicted and sentenced to undergo rigorous imprisonment for 03 years with fine of Rs.5000/-
2	FIR No.739 dated 25.10.2024 u/s 21(b) NDPS Act, PS HTM, Hisar, Haryana	2.53 gm heroin	25.10.2024	Bail granted on 26.10.2024	Under Trial
3	FIR No.834 dated 03.12.2024 u/s 21(b) NDPS Act, PS HTM, Hisar, Haryana	2.06 gm heroin recovered from Babli & 3.40 gm heroin from co-accused Geeta	03.12.2024	Bail granted on 04.12.2024	Under Trial

6. It is clear from the above details that while in the first case that

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petitioner was convicted after trial and sentenced to undergo rigorous imprisonment for three years. In second and third case, she has been released on bail, though in the third case, matter is still under investigation. On the basis of this material, detaining authority has come to the conclusion that petitioner is involved in illegal trade of narcotic substance for the last five years. It has been further recorded in the detention order, Annexure P-1, that as per source report of Incharge, Security Branch, office of Superintendent of Police, she is actively engaged in trafficking of narcotic substance. However, such a report has neither been placed on the record by the respondents nor could be referred to by the State counsel during the course of arguments. Undoubtedly, an application for cancellation of bail in the second FIR, mentioned above, has been filed by the prosecution, but as has been admitted in the response filed by the respondents, application is being adjourned and notice has not been issued to the petitioner. It seems that the prosecution has not so far insisted upon the application before the Trial Court.

7. Respondents have alleged that petitioner's son is involved in two criminal cases and details of the FIRs registered against him have been reproduced in the response filed to the amended writ petition. The criminal antecedents of petitioner's son were never a part of the record before the detaining authority. Respondents, therefore, cannot place reliance upon them to support the detention order. First FIR was registered against the petitioner in the year 2020 and an appeal against the order of conviction is pending. This criminal case qualifies as stale material and could not have been taken into consideration by the detaining authority as held by Hon'ble Supreme Court in



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Ameena Begum Versus State of Telangana, (2023) 9 SCC 587.

8. Besides the criminal antecedents, respondents could not bring any other incriminating material to the notice of this Court to enable it to come to the conclusion that petitioner has been indulging in criminal activities after being released on bail. Mere involvement of the petitioner in three FIRs, even though she has been convicted in one of them, cannot be a ground to detain her as has been held by a Division Bench of this Court in **Lakhwinder Singh alias Bhindi's case** (supra). Respondents have not been able to establish a live as well as proximate link between the past conduct of the petitioner and unavoidable need to detain her. Preventive detention is an extra ordinary power and has to be exercised sparingly, based on credible and proximate evidence of future criminal activities and not solely on the basis of the past conduct or vague apprehension. The material placed upon by the detaining authority is not germane to arriving at a subjective satisfaction for passing the impugned detention orders, which cannot be sustained.

9. For the reasons mentioned above, writ petition is allowed. Impugned order dated 30.05.2025, Annexures P-1, order dated 30.06.2025, Annexure P-4, and confirmation order dated 01.08.2025, Annexure P-6, passed by the respondent-authorities are set aside.

10. Petitioner is directed to be released from detention forthwith, unless her custody is required in any other criminal case.

18.11.2025

Kamal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No