



CRM-M-41304 of 2025

-1-

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

217

CRM-M-41304 of 2025
Date of Decision: 06.08.2025

Ram Singh alias Rama

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Kamaldeep S. Sidhu, Advocate for the petitioner.

Mr. Mohit Chaudhary, AAG, Haryana.

RUPINDERJIT CHAHAL, J (ORAL)

1. The petitioner has filed the instant petition under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail in case FIR No.26 dated 18.01.2025 registered under Sections 22(c) and 27(A) of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station City Tohana, District Fatehabad.

2. Learned counsel for the petitioner contends that as per the prosecution case, 51 bottles (vials) of codeine were recovered from the exclusive and conscious possession of co-accused, namely, Kulwant Singh. He further contends that the petitioner was neither present at the spot when the co-accused was apprehended with the contraband substances nor was he named in the FIR in question. He has been nominated as an accused in the case purportedly on the disclosure statement of the co-accused Kulwant Singh. No recovery of any contraband was effected from him. Apart from the disclosure statement, there is no other evidence to connect the petitioner with the offence



CRM-M-41304 of 2025

-2-

in question and it is a trite law that disclosure statement of the co-accused during his custodial interrogation is not admissible. He further contends that investigation in the present case is complete and final report under Section 173(2) Cr.P.C. has been presented by the prosecution. The petitioner is behind the bars since 22.01.2025 and he is not involved in any other case. He further submits that the trial may take quite a long time and no useful purpose would be served by keeping him behind the bars. Further co-accused, namely, Mohammad Rehbar alias Mithu had already been granted the concession of regular bail by a Coordinate Bench of this Court, vide order dated 14.07.2025.

3. Notice of motion.

4. Learned State counsel who has appeared on advance notice of the petition, filed the custody certificate of the petitioner and the same is taken on record. He has vehemently opposed the submissions made by the learned counsel for the petitioner on the ground that the complicity of the petitioner is duly established during investigation and he was nominated as an accused on the basis of disclosure statement made by co-accused. However, he could not controvert the fact that the petitioner is not involved in any other case.

5. 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,



CRM-M-41304 of 2025

-3-

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.”

6. Having heard learned counsel for the parties at length and after perusing the record of the case, it transpires that the petitioner is in custody for the last more than 6½ months and the investigation has already been concluded and further, the trial may take a long time to conclude. No useful purpose would be served by detaining him in further custody. 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.

7. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

8. The petition is disposed off accordingly.

(RUPINDERJIT CHAHAL)
JUDGE

06.08.2025

D.Bansal

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