

**IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH****Criminal Writ Petition No.8623 of 2025****Date of Decision: August 11, 2025**Lakhwinder Singh @ Bhindi

..... PETITIONER(S)

*VERSUS*State of Haryana & others

..... RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA**PRESENT:** - Mr. Robin Dutt, Advocate, for the petitioner.Mr. Karan Veer Singh, Senior Deputy Advocate General,
Haryana.**SUBHAS MEHLA, J**

1. The present petition has been filed for seeking quashing of the detention order dated 02.05.2025 (Annexure- P6), under Section 3 of the Prevention of Illicit Traffic in Narcotics Drugs and Psychotropic Substances Act, 1988 (for short, 'PITNDPS Act') and further seeking quashing of order dated 09.07.2025 (Annexure P-7), under section 9 (f) read with Section 11 of the PITNDPS Act, vide which the detention order dated 02.05.2025 has been confirmed.

2. The Counsel for the petitioner submits that the petitioner was falsely involved in 3 FIRs under NDPS Act, they being FIR no. 9 dated 17.01.2020 under section 21 of NDPS Act, Police Station Kalanwali, FIR no. 202 dated 27.10.2024 u/s 21a/61/85 NDPS Act, Police Station Odhan, and in FIR no.222 dated 22.11.2024 u/s 21(b)/61/85 NDPS Act, Police Station Odhan. The petitioner has been granted bail in all three cases.

3. It is further contended that the impugned order of detention is in violation of Articles 21 and 22 of the Constitution of India as the



detention order against the petitioner has been passed solely for the reason that he was earlier involved in 3 FIRs.

4. It is also submitted that the detention order has been passed after unexplained delay of two months from the date of the proposal which serves the live and proximate link between the grounds of detention and the purpose of detention as alleged by the State authorities against the petitioner. In support of his arguments, the counsel has placed reliance on the decisions of this Court in **Lal Bahadur Alias Vikas v. State of Haryana CWP-15937 of 2024**, and **Hari Om vs State of Haryana and others CRWP-1184 of 2023**.

5. *Per Contra*, counsel for the respondent State submits that the petitioner is a habitual offender who is still actively engaged in illicit drug trafficking. It was submitted that the proposal for detention of the petitioner was prepared on 11.03.2025 by the Superintendent of Police, Dabwali. On 27.03.2025, the screening committee for screening of cases for preventive detention drug traffics under the provisions of PITNDPS Act, after examining all the material provided by the proposing unit, opined that the proposal was fit for preventive detention. The proposal was then forwarded to the competent authority on 03.04.2025, by the Director General of Police after taking into consideration the opinion of the screening committee and the latest status report submitted by the Superintendent of Police, Dabwali, as per which the petitioner was still active in the illegal trade of narcotic substances.

6. It is further argued that the Secretary to Government, Haryana, Home Department, on 01.05.2025, after examining all aspects of



the case, recommended for preventive detention of the petitioner. Thereafter, on 16.05.2025, a reference under section 9 of the PITNDPS Act in respect of detention of the petitioner was made to the Advisory Board, Haryana. The Advisory Board, after providing an opportunity of hearing to the petitioner through video conference on 03.07.2025, submitted its report dated 04.07.2025, wherein the Board concluded that sufficient cause is made out for preventive detention of the petitioner. Subsequently on 09.07.2025, in exercise of the powers and by section 9 (f) read with section 11 of the PITNDPS Act, the detention order of petitioner was confirmed and further detention of six months from the date of his detention i.e. 03.05.2025 was ordered.

7. The counsel for the respondent State further submits that the detention orders have been passed after duly complying with the provisions of the act without any inordinate delay.

8. I have considered the rival contentions of the Learned Counsel representing the parties and have perused the documents available on record.

9. Perusal of the record reveals that in the present case, the petitioner is involved in 3 cases pertaining to the NDPS Act. In FIR no. 9 dated 17.01.2020 under section 21 of NDPS Act, Police Station Kalanwali, wherein he was enlarged on anticipatory bail vide order dated 09-06-2021, in FIR no. 202 dated 27.10.2024 u/s 21a/61/85 NDPS Act, Police Station Odhan wherein he was granted regular bail vide order dated 28.10.2024, and in FIR no.222 dated 22.11.2024 u/s 21(b)/61/85 NDPS Act, Police Station Odhan wherein he had been enlarged on regular bail vide order dated



17.12.2024. In FIR no. 202 dated 27.10.2024 and FIR no. 222 dated 22.11.2024, the recovery of the Narcotics was allegedly effected from the Petitioner.

10. As per the letter dated 03.04.2025 (Annexure P-5) of the Director General of Police, Narcotics Control, latest status report submitted by the Superintendent of Police, Dabwali, stated that the Petitioner was still active in the illegal trade of narcotic substances.

11. The issue of delay in passing the order of detention after the proposal being forwarded to the Competent Authority has to be dealt with on a case to case basis and there cannot be a straight jacket formula for its determination. The Hon'ble Supreme Court in **Hemlata Kantilal Shah v. State of Maharashtra 1981 (4) SCC 647**, has observed:

“Delay ipso facto in passing an order of detention after an incident is not fatal to the detention of a person, for, in certain cases delay may be unavoidable and reasonable. What is required by law is that the delay must be satisfactorily explained by the detaining authority”

12. In the present case, the Superintendent of Police, Dabwali, proposed for detention of the petitioner on 11.03.2025 and the Screening Committee on 27.03.2025, after examining all the material including the latest status report submitted by the Superintendent of Police, Dabwali, as per which the petitioner was still active in the illegal trade of narcotic substances, forwarded the proposal to the competent authority on 03.04.2025. Subsequently, on 01.05.2025, the Secretary to Government, Haryana, Home Department, passed the order for preventive detention of the



petitioner. Therefore, it cannot be said that authorities have not acted promptly or have acted on stale material.

13. Furthermore, on 16.05.2025, reference under section 9 of the PITNDPS Act was made to the Advisory Board, Haryana, and the Advisory Board on 04.07.2025 after hearing the petitioner, concluded that there is sufficient cause for preventive detention of the petitioner. Resultantly, the Secretary to Government of Haryana, Home Department, confirmed the detention of the petitioner in exercise of the powers under section 9 (f) read with section 11 of the PITNDPS Act.

14. The PITNDPS Act has been enacted to effectively immobilise the persons indulging in illicit traffic of narcotic drugs and psychotropic substances, which poses a serious threat to the health and welfare of the people. PITNDPS Act, gives the Government power to preventively detain a person who is likely to indulge in illicit trafficking of narcotic drugs and psychotropic substances.

15. The power to order preventive detention of a person is extraordinary one and must be exercised in rare circumstances. It must be borne in mind that section 9 of the PITNDBS Act, provides for constitution of an Advisory Board, which serves as a check over the exercise of this power by the Government, as the Advisory Board consists of a Chairman and two other persons possessing the qualification specified in sub clause (a) of clause (4) of article 22 of the Constitution i.e. “persons who are, or have been, or are qualified to be appointed as, Judges of a High Court.” Hence, the satisfaction arrived at by the Advisory Board ought to be interfered with only



where it appears that the Board has acted arbitrarily, or where there have been procedural infirmities.

16. The counsel for the Petitioner has relied on decisions of the coordinate Bench of this Court in **Lal Bahadur Alias Vikas v. State of Haryana CWP-15937 of 2024**, and **Hari Om vs State of Haryana and others CRWP-1184 of 2023**, to argue that the unexplained delay from the date of the proposal and date of passing of the order of detention severs the live and proximate link between the grounds of detention and the purpose of detention. However, the said cases are distinguishable from the present case and the case of the petitioner is not at the same footing.

17. In case of **Lal Bahadur alias Vikas (supra)**, the time period between proposal of the Director General of Police and the detention order passed by the competent authority was approximately two months, while in the present case, the Director General of Police forwarded the proposal to the competent authority on 03.04.2025 and the competent Authority passed the order for preventive detention on 01.05.2025 i.e. in less than a month. Moreover, in **Lal Bahadur alias Vikas's case (supra)**, what essentially weighed with the Bench was that the detention order was passed on pretext of a recovery which was not effected from the petitioner, and the preventive detention order was passed while the petitioner was still in custody. These factors, along with delay casted doubt over the existence of live and proximate link between the grounds of detention and the purpose of detention. While in the present case, the petitioner got involved in two more FIRs while on bail, and in both of the cases, recovery was allegedly effected from him.



18. In case of **Hari Om (supra)**, the delay was of 3 months and the Court considered the health of the petitioner as an additional factor since the petitioner was a stage 2 HIV+ patient requiring regular treatment. Furthermore, there was no reference made to the advisory board by the government. Hence both the cases are distinguishable and not applicable to the facts and circumstances of the present case.

19. In light of the above, no case is made out for interfering with the order dated 09.07.2025, passed by the Secretary to Government of Haryana, Home Department. Hence, the present petition is dismissed.

(SUBHAS MEHLA)
JUDGE

August 11, 2025
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Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No