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

CWP-23773-2025

Reserved on :-13.10.2025

Date of Pronouncement:- 29.10.2025

Ajaib Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Kulbir Singh Sekhon, Advocate
for the petitioner.

Ms. Svaneel Jaswal, Addl. A.G., Haryana.

SUVIR SEHGAL, J.(ORAL)

1. Challenge is to orders dated 02.5.2025 and 21.07.2025, Annexures P1 and P2 passed by respondent No.2, whereby petitioner has been detained for a period of six months under the provisions of Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988 (for brevity, hereinafter referred to as 'PITNDPS Act').

2. Mr. Kulbir Singh Sekhon, counsel for the petitioner has contended that the impugned orders have been passed as the petitioner has been named as an accused in some criminal cases registered against him for offences under the NDPS Act. He asserts that recovery of



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contraband has been effected from the petitioner in only three cases and in all the cases, which are pending trial, petitioner has been released on bail. It is his argument that respondent – authorities do not have any incriminating material to come to the conclusion that petitioner deserves to be detained in anticipation of committing a criminal offence. Reliance has been placed by him upon the judgment of a Division Bench of this Court in **Lakhwinder Singh @ Bhindi Versus State of Haryana and others** (LPA-2654-2025, decided on 09.09.2025) to urge that mere involvement in cases under the NDPS Act, is not sufficient to keep the petitioner in custody.

3. While opposing the petition, Ms. Svaneel Jaswal, Additional A.G., Haryana has made a detailed reference to the affidavits filed on behalf of respondents No.1 to 4 as well as respondent No.5. She has referred to the material relied upon by the respondent – authorities and has asserted that the petitioner is a habitual drug trafficker, and he is likely to indulge in nefarious activities.

4. After having heard counsel for the parties and analysing the material on the record, this Court is of the view that the petitioner is not entitled to any relief. Record shows that a proposal to detain the petitioner under Section 3 (1) of PITNDPS Act was initiated by the Director General of Police, Haryana vide letter dispatched to the Additional Chief Secretary to Government of Haryana on 03.04.2025. The proposal along with dossier including copies of FIRs, seizure memos, disclosure statements, inventory as well as FSL reports,



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statements of witnesses and bail orders, was examined by the competent authority, who passed impugned order dated 02.05.2025, Annexure P1. This order was duly served upon the petitioner on the same day in the presence of a Duty Magistrate. Petitioner preferred a reference before the Advisory Board and he was afforded with an opportunity of hearing on 09.07.2025 through the medium of video conferencing. A report dated 10.07.2025 was submitted by the Advisory Board concluding that sufficient cause is made out for detaining the petitioner. Detention order, Annexure P1, was confirmed by the competent authority vide impugned order dated 21.07.2025, Annexure P2, which was also served upon the petitioner and he was ordered to be kept in confinement for a period of six months from the date of his arrest i.e. 02.05.2025. During the course of arguments, counsel for the petitioner has been unable to point out any violation in the procedure followed by the respondent – authorities while passing the impugned orders.

5. Petitioner was named as an accused in numerous cases, most of which had been lodged against him under various provisions of NDPS Act. Although he has been acquitted in some criminal cases, but after trial, he has been convicted in the following two cases:-

(i) *FIR No.166 dated 30.09.2005 registered at P.S. Kalanwali, District Sirsa, wherein petitioner was convicted by the Trial Court on 26.02.2011 and custody undergone was treated as his sentence. A fine of Rs.2,000/- was also imposed upon him.*

(ii) *FIR No.139 dated 15.07.2013 registered at PS Kalanwali,*

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District Sirsa, wherein petitioner was convicted for a period of five years under Section 15 read with Section 31 of NDPS Act and a fine of Rs.1,50,000/- was imposed upon him on 01.06.2017. An appeal preferred against his conviction is pending and petitioner was released on bail on 22.03.2018 as sentence has been suspended by this Court.

6. Besides the above, petitioner has been found to be involved in the cases mentioned hereunder in a tabular form:

Sr.No.	FIR No., date, u/s and Police Station	Narcotic substance	Date of Arrest	Bail/custody	Present stage of case
1.	FIR No.10 dated 13.01.2019 u/s 21b of NDPS Act, PS Kalanwali, Police District Dabwali	11 gm Heroin	13.01.2019	Bail granted on 04.02.2019	Under Trial
2.	FIR No.137 dated 22.06.2019 u/s 21b of NDPS Act, PS Kalanwali, Police District Dabwali	10 gm Heroin	22.06.2019	Bail granted on 31.07.2019	Under Trial
3.	FIR No.160 dated 10.07.2020 u/s 21b of NDPS Act, PS Kalanwali, Police District Dabwali	6 gm Heroin (supplier)	25.08.2020	Bail granted on 17.09.2020	Under Trial
4.	FIR No.91 dated 28.04.2021 u/s 21b of NDPS Act, PS Kalanwali, Police District Dabwali	10 gm Heroin (supplier)	04.09.2021	Bail granted on 22.11.2021	Under Trial
5.	FIR No.305 dated 11.11.2021 u/s 21b of NDPS Act,	36 gm Heroin was recovered	11.11.2021	Bail granted on 10.01.2022	Under Trial

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	PS Kalanwali, Police District Dabwali	from a car in which Ajaib and co- accused were travelling			
6.	FIR No.183 dated 21.06.2022 u/s 21b of NDPS Act, PS Kalanwali, Police District Dabwali	25.30 gm Heroin (supplier)	22.06.2022	Bail granted on 28.07.2022	Under Trial
7.	FIR No.323 dated 12.09.2023 u/s 21b of NDPS Act, PS Kalanwali, Police District Dabwali, Haryana	9.20 gm Heroin recovered from co- accused	13.09.2023	Bail granted on 03.10.2023	Under Trial
8.	FIR No.418 dated 11.12.2024 u/s 21b of NDPS Act, PS Kalanwali, Police District Dabwali	6.44 gm Heroin (supplier)	28.12.2024	Bail granted on 20.01.2025	Under Trial

7. A minute examination of the sequence of activities, as is evident from the above re-produced table, clearly reflect that petitioner has been indulging in the trade of intermediate quantity of heroin in and around Dabawali. Upon being released on bail, he has been going back to the same trade. He has a wide network in the area of the district and has been operating for the last more than two decades. Registration of criminal cases, incarceration as well as conviction has not deterred the petitioner from indulging in the notorious trade. Petitioner seems to be a hard core drug peddler, who has been instigating immature youth to indulge in drug addiction and peddling.

8. This Court is of the view that there is sufficient material for

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the detaining authority to arrive at a conclusion that there is a live and proximate link between the past conduct of the petitioner and the imperative need to detain him so as to prevent him from engaging in drug trafficking. Detaining authority has applied its mind to all the relevant circumstances, which are germane to the passing of the detention order. Subjective satisfaction of the detaining authority is based on the proper examination and analysis of the material before it. The tests laid by the Hon’ble Supreme Court in *Ameena Begum Versus State of Telangana and others (2023) 9 SCC 587* are satisfied. The judgment of a Division Bench of this Court in *Lakhwinder Singh’s* case (supra) relied upon by the petitioner is clearly distinguishable. In *Lakhwinder Singh’s* case (supra), besides involvement of the detenue in three criminal cases, detaining authority could not bring any other material to the notice of the Court to justify his preventive detention.

9. For the foregoing reasons, this Court does not find any ground to intervene with the impugned orders.

10. Finding no merit in the writ petition, it is dismissed with no order as to costs.

29.10.2025

Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No

(SUVIR SEHGAL)
JUDGE