



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

1) CRM-M-48504-2024
Date of decision: 16.07.2025

Sandeep Singh alias VickyPetitioner

Versus

State of Punjab ...Respondent

2) CRM-M-57493-2024

Harmanpreet Singh @ ChibbaPetitioner

Versus

State of Punjab ...Respondent

3) CRM-M-13555-2025

Manpreet Singh @ SunnyPetitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Amit Arora, Advocate
for the petitioner (in CRM-M-48504-2024).

Mr. Rishu Mahajan, Advocate
for the petitioner (in CRM-M-57493-2024).

Mr. Ruhani Chadha, Advocate
for the petitioner (in CRM-M-13555-2025).

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

This common order shall dispose of the aforementioned petitions as they arise from a similar factual matrix. However, for the sake of brevity, the facts are taken from CRM-M-48504-2024.

Mr. Rishu Mahajan, Advocate puts in appearance on behalf of the



CRM-M-48504-2024
CRM-M-57493-2024
CRM-M-13555-2025

-2-

petitioner in CRM-M-57493-2024 and files his *vakalatnama* along with no objection from the counsel earlier representing the petitioner and the same is taken on record.

The present petition(s) has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking regular bail in case bearing FIR No.45 dated 08.03.2024 under Sections 21(c)/29 of the NDPS Act registered at Police Station Chheharta, District Amritsar.

As per the allegations in the FIR, on 08.03.2024, ASI Manjinder Singh and his police team, acting on the basis of a secret information, apprehended two suspects namely Gurpreet Singh alias Gopi and Rupinder Singh alias Sajan, who were allegedly involved in heroin trafficking. Both of them were spotted on a black-grey Activa without a number plate near Brother Dhaba on GT Road, Chheharta. Upon interception, both the individuals attempted to flee but were apprehended. After being informed of their legal rights under the NDPS Act, they opted to be searched in the presence of a gazetted officer. Thereafter, Assistant Commissioner of Police arrived at the spot and completed the formalities under Section 50 of the NDPS Act. During the search, a wax-sealed envelope containing 500 grams of heroin was recovered from Gurpreet Singh's waist bag. The heroin, along with the Activa scooter, was seized, and both the accused were booked under Sections 21(C), 29, 61, and 85 of the NDPS Act and thus, the present case.

Learned counsel for the petitioner(s) *inter alia* contends that the petitioner(s) is not named in the FIR (*supra*), although the FIR (*supra*) was registered on the basis of a secret information. Admittedly, nothing has been



CRM-M-48504-2024
CRM-M-57493-2024
CRM-M-13555-2025

-3-

recovered from the conscious and exclusive possession of the petitioner(s). The petitioner(s) has been nominated as an accused only on the basis of the disclosure statement made by co-accused Gurpreet Singh during his custodial interrogation, which has no evidentiary value in the eyes of law. Apart from the disclosure statement, there is no other legal evidence against the petitioner(s) to prove his complicity. Learned counsel for the petitioner(s) submits that similarly situated co-accused, namely, Karan Devgan, has been granted the concession of regular bail by this Court vide order dated 08.07.2025 passed in CRM-M-55872-2024 titled as 'Karan Devgan Vs. State of Punjab'.

Learned counsel for the petitioner(s) further submits that there are total 31 prosecution witnesses cited in the list of witnesses, out of which, 03 PWs have been examined till date and the trial is likely to take long time in conclusion.

Per contra, learned State counsel has filed custody certificates today in the Court which are taken on record and opposes the prayer made by learned counsel for the petitioner(s) on the ground that the complicity of the petitioner(s) is duly established. The petitioner(s) is part of a gang, which is engaged in illegal drug trafficking and petitioner-Sandeep Singh @ Vicky is involved in one more case, petitioner-Harmanpreet Singh @ Chibba is involved in two more cases and petitioner-Manpreet Singh @ Sunny is involved in four more cases also registered under the NDPS Act and thus, they are not entitled to any relief.



CRM-M-48504-2024
CRM-M-57493-2024
CRM-M-13555-2025

-4-

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, 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.”

Having heard learned counsel for the parties and after perusing the record of the case, it transpires that petitioners, namely, Sandeep Singh @ Vicky, Harmanpreet Singh @ Chibba and Manpreet Singh @ Sunny are behind the bars since 19.05.2024; 02.08.2024 and 26.03.2024, respectively. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. Charges were framed and trial of the case has not made much progress. Out of 31 prosecution witnesses, 03 PWs have been examined so far. The culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the accused/petitioner(s).



CRM-M-48504-2024
CRM-M-57493-2024
CRM-M-13555-2025

-5-

Keeping the petitioner(s) in further detention without the prospect of the trial being concluded in the near future, would be violative of their/his rights under Article 21 of the Constitution of India.

Keeping in view the law laid down by the Hon'ble Supreme Court of India in '**Prabhakar Tewari Vs. State of U.P. and another**' 2020 (1) R.C.R. (Criminal 831) and '**Maulana Mohd. Amir Rashadi Vs. State of U.P. and Another**', 2012 (2) SCC 382, the involvement of the petitioner(s) in other cases would not be a ground to refuse grant of concession of regular bail.

In view the above, the present petitions are allowed. Thus, without commenting upon the merits of the case lest it may prejudice the outcome of the trial, the petitioners, namely, Sandeep Singh @ Vicky, Harmanpreet Singh @ Chibba and Manpreet Singh @ Sunny, are ordered to be released on regular bail during trial on their furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

A photo copy of this order be placed on the file of connected cases.

(HARPREET SINGH BRAR)
JUDGE

16.07.2025

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