

**LPA-2654-2025****1****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****(110)****LPA-2654-2025****Date of Decision : September 09, 2025****Lakhwinder Singh alias Bhindi****.. Appellant****Versus****State of Haryana and others****.. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Mr. Robit Dutt, Advocate, for the appellant.

Mr. Sandeep Chhabra, Addl. Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present appeal, the challenge is to the order dated 11.08.2025 passed by the learned Single Judge by which, the plea for quashing the orders dated 02.05.2025 and 09.07.2025 by which, the appellant herein has been detained for preventive detention under the Prevention of Illicit Traffic in Narcotics Drugs and Psychotropic Substances Act, 1988 (hereinafter referred to as 'PITNDPS Act') has been rejected, which is causing prejudice to him.

2. Learned counsel for the appellant submits that the order dated 11.08.2025 passed by the learned Single Judge has only been passed as the appellant was facing three FIRs under the NDPS Act though in the all the said FIRs, the appellant is on regular bail.

3. Learned counsel for the appellant further submits that there is no material evidence brought on record on the basis of which, the preventive



LPA-2654-2025

2

detention has been ordered, which preventive detention has been further approved by the Advisory Board vide order dated 04.07.2025 as no material evidence has been brought before the Advisory Board to justify the said preventive detention hence, the order passed by the learned Single Judge is contrary to the facts and circumstances of the present case and is liable to be set aside.

4. Notice of motion.

5. Mr. Sandeep Chhabra, learned Addl. Advocate General, Haryana, who is present in the Court, accepts notice on behalf of respondent-State.

6. Learned counsel for the respondents-State, on the instructions from SI Sube Singh, Anti Narcotic Cell, Incharge, Dabwali, submits that the appellant is involved in three FIRs but concedes that he is on regular bail in all three FIRs. Learned State counsel further submits that in one case of bail, cancellation has already been filed by the State.

7. Learned counsel for the respondents-State further submits that it had come to the notice of the Department that even after the grant of bail, the appellant was involved in the violation of the NDPS Act, which fact was made basis for the preventive detention of the appellant.

8. We have heard learned counsel for the parties and have gone through the record with their able assistance.

9. It may be noticed that the liberty of a person is paramount in nature. The same has to be upheld unless and until, the said liberty is curtailed with due process of law.



LPA-2654-2025

3

10. In the present case, the preventive detention of the appellant has been ordered on the ground that he was involved in three FIRs under the NDPS Act, they being FIR No.9 dated 17.01.2020, FIR No.202 dated 27.10.2024 and FIR No.222 dated 22.11.2024. In all the said FIRs, it is a conceded position that the competent Court of law has granted him the regular bail though, qua the grant of bail in one case, the cancellation has been filed but nothing evident has been brought on record to show that the said application has been allowed by the competent Court of law.

11. The second reason for preventive detention of the appellant as brought before the Advisory Board vide order dated 04.07.2025 is that the appellant is still involved in the illegal dealing of banned substance so as to violate the provisions of the NDPS Act.

12. A specific query was put to the learned State counsel as to what material evidence has been gathered to prove that even after the grant of the regular bail, the appellant is involved in violation of the NDPS Act and if such material was available why, the FIR has not been registered against the appellant herein?

13. Learned counsel for the respondents-State, keeping in view the instructions which he has been received, very fairly submits that there is no material evidence which has come on record to show that the appellant is involved in the violation of the NDPS Act except to the fact that a view has been taken by the authorities concerned.

14. Even if the said view has been taken by the authorities concerned, the same has to be based upon some material evidence and the



LPA-2654-2025

4

said view cannot be taken in an arbitrary or illegal manner only on the ground that the appellant was facing three FIRs with regard to the violation of the NDPS Act.

15. Once, the State has conceded the fact that there was no material evidence to prove or to prima facie come to the conclusion that appellant is involved in the violation of the NDPS Act even after the grant of bail in the three cases being faced by him, the preventive detention under the PITNDPS Act will amount to violating the order passed by the competent Court granting him bail in all the three cases. Even if, there was any material evidence to show that the appellant was violating the conditions of bail, the same should have been brought to the notice of the competent Court and in case, any application has been filed for cancellation of the bail by the State, the same will be considered by the competent Court of law whether to maintain the grant of bail or to recall the same.

16. In the totality of the facts and circumstances of the present case, the preventive detention ordered under the PITNDPS Act against the appellant is without any valid justification or the material evidence to support that the appellant is violating the provisions of the NDPS Act after the grant of bail in three cases which are pending against the appellant as no material has been placed before the Court.

17. However, as it has been stated by the learned counsel for the respondent-State that an application has been filed for cancellation of bail, the competent Court of law will go by the facts which will be brought by the

**LPA-2654-2025****5**

State in the said application and the said order will not be based upon the order being passed here solely.

18. Keeping in view the above, the order dated 11.08.2025 of preventive detention under the PITNDPS Act passed against the appellant is set aside. The respondents are directed to immediately release the appellant from the preventive custody.

19. Learned counsel for the appellant assures this Court that the appellant will abide by the bail conditions under all circumstances and will not indulge in any activity which violates any provisions of law, which is supposed to be adhered to by the appellant.

20. The present appeal is allowed in above terms.

(HARSIMRAN SINGH SETHI)
JUDGE

September 09, 2025
harsha

(VIKAS SURI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No