



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(131)

CWP-28054-2025

Reserved On	Pronounced On	Uploaded on	Whether only the operative part of the judgment is pronounced	Whether the full judgment is pronounced
18.11.2025	21.11.2025	21.11.2025	Yes/No	Yes/No

PALA RAM

... Petitioner

Versus

STATE OF HARYANA AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Arun Gupta, Advocate
for the petitioner.

Mr. Deepak Vashisht, DAG, Haryana.

SUVIR SEHGAL, J. (ORAL)

1. Present petition has been filed, *inter alia*, for issuance of a writ, in the nature of certiorari for quashing orders dated 28.05.2025 and 08.09.2025, Annexures P-1 and P-8, respectively, passed by Secretary to Government, Home Department-respondent No.1, 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 (hereinafter referred to as “the PITNDPS Act”). Petitioner has also assailed order dated 28.07.2025, Annexure P-6, whereby a representation given by his spouse has been rejected.



2. Counsel for the petitioner submits that the petitioner has been named as an accused in seven different FIRs registered for offences under the Narcotics and Drugs Psychotropic Substances Act, 1985 (for short “the NDPS Act”). He submits that the petitioner has been accused of trading in charas and ganja and in some cases small or intermediate quantity of banned substance has been allegedly recovered from him. Counsel emphasizes that out of the seven criminal cases, petitioner has been convicted in three of them which are more than seven years old and he has been acquitted in two cases. Insofar as the remaining two cases are concerned, counsel asserts that no recovery has been effected from petitioner and both the cases are under trial. Counsel points out that petitioner is on bail and he has not misused the concession granted by the Court nor has he flouted any of the bail conditions. Reference has also been made to the medical record, Annexure P-4, to point out that the petitioner underwent coronary angiography and remained hospitalized from 02.06.2024 to 04.06.2024. Counsel contends that detention order has primarily been passed on the basis of a complaint dated 06.02.2025, Annexure P-3, given by the residents of his village and allegedly bears thumb impression of one Ram Singh who had expired on 08.11.2024. It is the argument of the counsel that the respondent-authorities do not possess any material to form an opinion that the petitioner is likely to indulge in the trade of banned substance and impugned detention orders are liable to be quashed.

3. While opposing the petition, State counsel has made a reference to the reply filed on behalf of the respondents and urges that the petitioner is a habitual drug trafficker and he has been repeatedly apprehended while dealing with banned substance. It is his assertion that in case petitioner is not detained,



there is a possibility that he may abscond to avoid the ongoing criminal trial. A reference has also been made by him to a report received from the Security Branch of District Police Office, Kurukshetra to submit that the petitioner is actively involved in illicit trafficking and in order to curb him from indulging in the activity, his detention is necessary. Referring to the record, State counsel submit that a proposal to detain petitioner was prepared on 22.03.2025, Annexure R-1, which was examined by a Screening Committee and was forwarded to respondent No.1, who passed the impugned order, Annexure P-1. He states that after hearing the petitioner as well as examining his representation, order, Annexure P-1 was confirmed vide impugned order, Annexure P-8. State counsel has highlighted that there is one criminal case registered against petitioner’s father and his mother is also involved in two cases for offences under the NDPS Act. It is his argument that petitioner’s entire family is involved in nefarious activities and impugned orders do not deserve any interference.

4. I have heard counsel for the parties and examined their submissions. The original record produced by the State counsel in compliance with the previous order has also been analyzed.

5. Petitioner has been found to be involved in seven FIRs registered for offences under the NDPS Act. The details of the cases are as under:-

Sr. No.	FIR No., date, u/s and Police Station	Narcotic substance	Date of Arrest	Bail/ Custody	Present stage of Case
1.	FIR No.348 dated 08.07.2007 u/s 20/21 NDPS Act, PS City Thanesar, Kurukshetra,	400 gms charas and 1 kg ganja	08.07.2007	---	Convicted and sentenced for the period already undergone



	Haryana.				from 09.07.2007 to 18.08.2007 with fine of Rs.10,000/-.
2.	FIR No.606 dated 31.08.2014 u/s 20 NDPS Act, PS City Thanesar, Kurukshetra, Haryana.	900 gm Ganja	31.08.2014	---	Convicted and sentenced for 3 months with fine of Rs.3000/-.
3.	FIR No.171 dated 06.04.2016 u/s 20 NDPS Act, PS Shahabad, Kurukshetra, Haryana.	10 kg Ganja from the car	06.04.2016	---	Acquitted by giving benefit of doubt.
4.	FIR No.04 dated 01.01.2018 u/s 20 NDPS Act, PS City Thanesar, Kurukshetra, Haryana.	2 kg 500 gm Ganja	01.01.2018	---	Convicted and sentenced for 02 years with fine Rs.10,000/-.
5.	FIR No.241 dated 14.06.2020 u/s 20/29 NDPS Act, City Kaithal, District Kaithal.	1 kg 60 gm Ganja from co- accused	16.06.2020	---	Acquitted by giving benefit of doubt.
6.	FIR No.366 dated 19.06.2021 u/s 20/29 NDPS Act, PS Krishna Gate, Kurukshetra, Haryana.	2 kg 400 gms Ganja from co- accused	22.02.2022	---	Under trial
7.	FIR No.605 dated 08.11.2024 u/s 20/29 NDPS Act, PS Sadar Thanesar, Kurukshetra, Haryana.	2 kg 14 gms Ganja from co- accused	09.11.2024	Bail granted on 17.12.2024	Under Trial

6. Besides the above reproduced criminal antecedents, detaining authority has considered a complaint dated 06.02.2025, Annexure P-3, received



from residents of Sorgir Basti, Kurukshetra. This complaint is thumb-marked/signed by five residents of the colony out of which one of them is Ram Singh, who had expired and was cremated on 08.11.2024 as is evident from the certificate, Annexure P-2. This fact has not been denied by the respondents in the written statement. Without examining the allegations levelled in the complaint, Annexure P-3, respondents have acted thereon and passed the detention orders. Reliance has also been placed by the detaining authority upon a source report. The original document has been produced. The so-called source report does not mention any detail on the basis of which it has been prepared. In fact it is a five line report, which probably has been prepared without any material. In case, the respondents had any credible input that petitioner is likely to indulge in trafficking, the course open to them was to file an application for cancellation of bail in the two pending cases, however, for reasons best known to them they have not resorted to this recourse. State counsel has asserted that petitioner's parents are named as accused in criminal cases but this material was not a part of the record before the detaining authority. Respondents therefore cannot place reliance upon it to support the detention order.

7. A minute examination of the criminal antecedents of the petitioner relied upon by the detaining authority show that the petitioner was convicted in three FIRs which pertain to the years 2007, 2014 and 2018. In all the three cases, allegations levelled against the petitioner is that small or intermediate quantity of banned substance has been recovered from his person. After trial, petitioner was found guilty and sentenced to period ranging from a few months up to two years. Insofar as the two cases pending against the petitioner are



concerned, no recovery has been effected from him and he has been arraigned on the basis of disclosure statements of co-accused, the legality and veracity of which would remain a subject matter of trial. The complaint, Annexure P-3, submitted by the residents of the colony, where the petitioner resides seems to be fabricated and has never been inquired into before acting thereon. The source report also does not mention any source of information. Petitioner's detention is based on FIRs which are more than seven years old and being stale material, they could not be taken into consideration by the detaining authority as has been held by the Supreme Court in *Ameena Begum Versus State of Telangana, (2023) 9 SCC 587*. Mere pendency of two criminal cases against the petitioner would not constitute to be ample material for the detaining authority to form a subjective opinion that the petitioner is likely to indulge in the trade of narcotic substance and cannot be a ground to detain him. Reliance in this regard is placed upon a Division Bench judgment of this Court in *Lakhwinder Singh alias Bhindi, Versus State of Haryana and others, (LPA-2654-2025, decided on 09.09.2025)*.

8. Respondents have not been able to establish a live or proximate link between the past conduct of the petitioner and the imperative need to detain him. Preventive detention being an extraordinary power which curtails personal liberty must be strictly construed and applied only when there is sufficient satisfactory material to establish that the detainee is likely to indulge in activities which threaten public order or safety. Detention orders cannot be issued merely on the basis of suspicion or past allegation or reputation and must be based on credible evidence establishing the necessity of detention, which is lacking in the present case and the impugned orders cannot be



sustained.

9. As a corollary of above discussion, writ petition is allowed. Impugned order dated 28.05.2025, Annexure P-1, rejection order dated 28.07.2025, Annexure P-6 and confirmation order dated 08.09.2025, Annexure P-8 passed by respondent No.1 are set aside.

10. Petitioner is directed to be released from detention forthwith, unless his custody is required in any other case.

(SUVIR SEHGAL)
JUDGE

21.11.2025

parul verma

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No