



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**
222

CRM-M-55872-2024 (O&M)
Date of decision: 08.07.2025

Karan Devgan
.....Petitioner
Versus
State of Punjab
.....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Umesh Aggarwal, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this petition filed under Section 483 of the BNSS, 2023, is for grant of regular bail to the petitioner in FIR No.45 dated 08.03.2024 registered under Sections 21(c)/29/61/85 of the NDPS Act at Police Station Chhehrata, Amritsar District Amritsar.
2. 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, Chhehartara. 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. Thereafter, on the basis of the disclosure statement made by co-accused Gurpreet Singh, the petitioner has been nominated in the FIR (supra).

3. Learned counsel for the petitioner, *inter alia*, contends that the petitioner is not named in the FIR (supra), although the FIR (supra) was registered on the basis of a secret information. Admittedly, nothing has been recovered from the conscious and exclusive possession of the petitioner. The petitioner 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 to prove his complicity and the petitioner although involved in two more cases registered under the NDPS Act, however, he is on bail in one of the case.

4. Learned counsel for the petitioner 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.



5. *Per contra*, learned State counsel has filed custody certificate today in the Court which is taken on record and he opposes the prayer made by learned counsel for the petitioner on the ground that the complicity of the petitioner is duly established. The petitioner is part of a gang, which is engaged in illegal drug trafficking and the petitioner is involved in two more cases also registered under the NDPS Act.

6. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars from the last 01 year, 03 months and 11 days. 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.

7. A two Judge Bench of Hon'ble Supreme Court in ***"Satender Kumar Antil vs. 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.”

8. Further the culpability, if any, would be determined at the time of trial and as such, no useful purpose will be served by further detention of the petitioner-accused. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India.

9. Further 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 in other cases would not be a ground to refuse grant of concession of regular bail.

10. In view the discussion above, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner namely Karan Devgan is ordered to be released on regular bail during pendency of the trial, on furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court/Duty Magistrate.

11. Nothing observed hereinabove shall be construed to be expression of an opinion by this Court on merits of the case. The



learned Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

(HARPREET SINGH BRAR)
JUDGE

08.07.2025
yakub

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