



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP-2693-2026
Date of Decision: 29.05.2026
Uploaded On : 29.05.2026

SANJAY

... Petitioner

Versus

STATE OF HARYANA & OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Ms. Preeti Bansal, Advocate and
Mr. Kushager Goyal, Advocate
for the petitioner.

Ms. Geeta Rani, Asstt. A.G., Haryana.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Articles 226/227 of the Constitution of India is for issuance of a writ in the nature of Certiorari for quashing the detention order dated 01.12.2025 (Annexure P-6) vide which the petitioner has been detained and for quashing of the order dated 06.02.2026 (Annexure P-7) vide which the detention of the petitioner has been confirmed for a period of 06 months.

2. The brief facts of the case are that the petitioner is involved in four cases, the details of which are as under:-

Sr. No.	FIR Nos. and date	Sections	Police Station	Status
1.	FIR No.290 dt. 27.07.2024	21(b)/61/85 NDPS Act	P.S. City Mandi Dabwali	Pending for examination of prosecution evidence
2.	FIR No.58 dt. 22.02.2025	21(b)/61/85 NDPS Act	P.S. City Mandi Dabwali	Pending for appearance

3.	FIR No.142 dt. 07.05.2025	21(b)/61/85 NDPS Act	of	P.S City Mandi Dabwali	Pending for consideration on charge
4.	FIR No.404 dt. 27.11.2025	21-B/61/85 NDPS Act	of	P.S. City Dabwali, District Sirsa	On bail

3. On account of the criminal antecedents of the petitioner and he being actively involved in selling drugs the SP, Dabwali, Haryana wrote to the DGP, State Crime Narcotic Control Bureau, Madhuban, Karnal vide letter dated 31.07.2025 (Annexure P-4) seeking imposition of restrictions on the petitioner on account of essential public interest. Thereafter, the Office of the Superintendent of Police, Dabwali, Haryana wrote to the DGP, State Narcotics Control Bureau, Madhuban, Karnal seeking issuance of a detention order with a view to prevent the petitioner from engaging in harmful and prejudicial activities. Reference was made to three FIRs registered against him.

4. Based on a letter of the DGP, Haryana dated 26.09.2025 containing a proposal for detention of the petitioner along with requisite documents, the Addl. Chief Secretary to Government of Haryana Home Department ordered the detention of the petitioner at District Jail, Sirsa on 01.12.2025 (Annexure P-6). Pertinently, the detailed grounds for his detention are that he was a habitual drug trafficker with three other cases registered against him. After being granted bail each time, he subsequently has committed another offence. His repeated involvement in drug trafficking highlights a clear pattern of criminal behaviour. He deliberately carries an intermediate quantity of drugs so as to get the benefit of bail. There was every

likelihood that he would resume his involvement in drug trafficking unless preventive measures are taken against him.

5. The petitioner was detained on 17.12.2025 at District Jail, Sirsa, Haryana. A reference was made under Section 9B of the Act of 1988 in respect of his detention to the Advisory Board, Haryana. The Advisory Board, Haryana after providing an opportunity of hearing to the detainee Sanjay submitted its report dated 27.01.2026 that sufficient cause was made out for the preventive detention of the petitioner. Based on the said report of the Advisory Board, the detention order dated 01.12.2025 was confirmed vide order dated 06.02.2026 (Annexure P-7) for a period of six months beginning 17.12.2025.

6. The aforementioned orders dated 01.12.2025 and 06.02.2026 (Annexures P-6 & P-7) are under challenge in the present petition.

7. The learned counsel for the petitioner contends that the impugned orders must be passed upon cogent, proximate and relevant material demonstrating real necessity of preventive detention. Mere existence of criminal antecedents or registration of FIRs cannot by itself constitute sufficient cases for such satisfaction. The orders are based on three FIRs alone and therefore, the existence of the 4th FIR cannot be taken to validate the impugned orders. There is no evidence of any specific post bail conduct or fresh surveillance/intelligent inputs or any violation of bail conditions. There is an unexplained delay of four months between the proposal dated 31.07.2025 (Annexure P-4) and the detention order dated 01.12.2025 (Annexure P-6). Therefore, the delay severs the live and proximate link between the grounds of detention as reflected in the detention order and the

purposes of detention. There would be violation of Article 22(5) of the Constitution of India if the Court places reliance on a subsequent FIR No.404 dated 28.11.2025 to validate the detention orders. Once the petitioner was already in custody in FIR No.404 dated 27.11.2025 then the detention could have been passed only, if the Triple Test in the judgment of **Kamarunnissa Versus Union of India, 1991(2) RCR (Criminal) 401** was satisfied. The confirmation order dated 06.02.2026 (Annexure P-7) under Section 9(f) of the Prevention of Illicit Traffic of Narcotics Drugs and Psychotropic Substances Act is a mechanical reproduction of the Advisory Board's opinion and does not disclose any independent reasoning or application of mind by the appropriate Govt. Therefore, the same is liable to be quashed. Reliance is placed on the judgment in the case of **Jasveer Singh @ Kala Vs. State of Haryana, decided on 20.05.2026** passed in **CRWP-4590-2026**. It is thus contended that the impugned orders be quashed and the petitioner be released from custody.

8. On the other hand, the learned State counsel contends that the first FIR No.90 was registered on 27.07.2024 and bail was granted on 14.08.2024. Within a period of approximately 05 months, the second FIR was registered bearing FIR No.58 dated 22.02.2025. The petitioner was granted the concession of regular bail on 16.04.2025. Within a period of three weeks, the third FIR was registered against the petitioner bearing FIR No.142 dated 07.05.2025 in which he was granted default bail on 14.07.2025. It was in those circumstances that the office of Superintendent of Police, Dabwali, Haryana wrote to the DGP, Haryana seeking preventive detention in public interest on 31.07.2025. However, before the detention order could be passed,

the petitioner was involved in yet another case bearing FIR No.404 dated 27.11.2025 U/s 21-B/61/85 of NDPS Act, P.S. City Dabwali, District Sirsa. However, the pendency of the said FIR was not brought to the notice of the authorities concerned because of which the proposal for detention refers to only three FIRs and the impugned orders 01.12.2025 & 06.02.2026 (Annexures P-6 & P-7) also refers to three FIRs only. In fact, the registration of the 4th FIR itself justifies the impugned orders of detention because after being granted bail in each case the petitioner has committed a subsequent offence under the NDPS Act. She contends that while, it is true that the orders 01.12.2025 & 06.02.2026 (Annexures P-6 & P-7) have to be examined in the light of the material on record qua three cases only, however, this Court cannot shut its eyes to the 4th FIR though the said 4th FIR was not brought to the notice of the appropriate authorities. By way of an example, she submits that in case the detention order was passed on the basis of cancelled FIRs which had not been brought to the notice of the detaining authority and the order of detention was challenged before this Court, then this Court would have certainly looked at the fresh factors of the FIRs having been cancelled and would have proceeded to quash the detention orders. She, therefore contends that no fault can be found with the impugned orders and the present petition is liable to be dismissed.

9. I have heard the learned counsel for the parties.

10. The sequence of events clearly established a pattern of behaviour. The petitioner was first arrested in FIR No.290 dated 27.07.2024 and granted bail. Thereafter, he was arrested in FIR No.58 dated 22.02.2025 and granted bail. Subsequent thereto, he was arrested in FIR No.142 dated

07.05.2025. The Superintendent of Police, Dabwali, Haryana thereafter wrote to the DGP, State Narcotics Control Bureau, Madhuban, Karnal seeking issuance of a detention order on 31.07.2025 (Annexure P-5). Thereafter, FIR No.404 dated 27.11.2025 was registered against him. The impugned order along with the grounds of detention was passed on 01.12.2025 (Annexure P-6) which was subsequently confirmed after the opinion of the Advisory Board on 06.02.2026 (Annexure P-7). Effectively, each time the petitioner was granted bail, he has committed another offence leading to a fresh FIR.

11. Apparently, the impugned orders are based on the three cases only but the registration of the 4th case itself sanctifies and reinforces the impugned orders of preventive detention. The argument that this Court is only to examine the validity of the impugned orders in the light of three previous cases only cannot be accepted. Assuming that the detention orders were passed on the basis of cases where cancellation reports had been submitted but not brought to the notice of the appropriate authorities and the same were challenged, this Court would not have remained a mute spectator and would have quashed the detention orders based on the cancellation reports. Applying a similar rationale, this Court can uphold the validity of the orders of detention while examining the conduct of the petitioner with reference to the 4th FIR.

12. In *Kamarunnissa Versus Union of India* (supra), the Hon'ble Supreme Court held that a detention order can be passed even though an accused is in custody on satisfaction of the 'triple tests' namely, 1) if the authority passing the order is aware of the fact that he is actually in custody; (2) if he has reason to believe on the basis of reliable material placed before

him (a) that there is a real possibility of his being released on bail, and (b) that on being so released he would in all probability indulge in prejudicial activity and (3) if it is felt essential to detain him to prevent him from so doing. This judgment would not apply to the case in hand as the 4th FIR in which the petitioner was in custody was not disclosed to the appropriate authorities when the impugned orders were passed. Therefore, there was no occasion for the appropriate authorities to satisfy the triple test before passing the impugned orders.

13. In the case of **Jasveer Singh @ Kala Vs. State of Haryana** (supra) this Court held that the confirming authority cannot mechanically accept the opinion of the Advisory Board. While the position of law is well-settled in that regard, the impugned orders must be considered in the broader context wherein after registration of each case, on grant of bail, a subsequent offence is committed. Furthermore, as already mentioned above, after the recommendation for his detention was made on 31.07.2025, yet another case bearing FIR No.404 was registered against him on 27.11.2025 and the order of detention was passed on 01.12.2025 (Annexure P-6).

14. The cumulative effect of the aforesaid discussion is that the very registration of the 4th FIR on 27.11.2025 amply justifies the impugned orders of prevention detention. Therefore, I find no merit in the present petition and the same stands dismissed.

(JASJIT SINGH BEDI)
JUDGE

29.05.2026

JITESH

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