

**CRM-M-5004-2025 (O&M)****1****215****IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH****CRM-M-5004-2025 (O&M)  
Date of Decision: 03.02.2025****RAJINDER SINGH @ KALA****...Petitioner****Versus****STATE OF PUNJAB****...Respondent****CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Mr. Dhanpat Rai Singh, Advocate  
for Mr. Inderjit Sharma, Advocate for the petitioner.

Mr. Sandeep Kumar, DAG Punjab

**\*\*\*****Harpreet Singh Brar, J. (Oral)**

1. The present petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking grant of regular bail to the petitioner in case bearing FIR No. 0127 dated 11.09.2024 under Section 22(C) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short "NDPS Act") registered at Police Station Sadar Bathinda, District Bathinda.

2. Brief facts of the case are that on 11.09.2024 the police party was going from Bathinda via village Katar Singh Bala in connection with patrolling and checking of suspected person. When the police party reached near water works of village Katar Singh Wala, then on the right hand of road in between the Safeda trees two persons were holding a transparent polythene envelope in their hand, and they were seen in the light of the vehicle searching something. At about 7:40 PM on the basis of suspicion the vehicle was stopped and hurriedly went to these person and found that the strips of intoxicant tablets were clearly visible in the transparent polythene envelope held in their hands



and at the spot ASI tried to join the private witnesses but no witness was found. Then the complainant-ASI Gurmej Singh apprehended both the persons and started making videography and asked their names. One person told his name as Sukhjeet Singh alias Seetu and the second person told his name as Rajinder Singh alias Kala (petitioner herein). The complainant checked the transparent polythene envelope which was in their possession. Out of the said envelope 90 strips, in each strip containing 10/10 intoxicant tablets mark Tramawow-100 (Tramadol Hydrochloride Tablets USP 100 mg) Mfg. Lic. no.: 14/UA/2021 Manufactured by IKON Pharmachem Pvt Ltd (WHO-GMP Certified company) E-2 Sara Industrial Estate, Central Hope Town Rampur Selaqui, Dehradun 248197 (Uttarakhand), B. No. T241030 MFG JUL 2024 EXPIRY JUN 2026 **M.R.P. Rs.192.50 PER 10 TABS.I.O.A.T** total 900 intoxicant tablets were recovered. On the basis of aforesaid allegations, FIR(supra) was registered.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case and there is non-compliance of Section 50 of NDPS act and further the alleged recovery of contraband has been effected from a busy road and despite availability, no independent witness has been joined at any stage. The Investigating Officer himself is the complainant and the alleged contraband does not fall within the ambit of commercial quantity. The petitioner is not involved in any other case and the Inestigating Agency has concluded the investigation.

4. Per contra, the learned State counsel files the custody certificate, which is taken on record and opposes the prayer made by learned counsel for the petitioner on the ground that 90 strips of intoxicating tablets were recovered from the exclusive and conscious possession of the petitioner and the average weight of per tablet is 277 mg and the quantity of contraband recovered from the



petitioner is slightly less than the commercial quantity. However, he could not controvert the fact that petitioner is not involved in any other case.

5. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars since 14.09.2024 i.e. 04 months and 19 days as on 02.02.2025 and out of total 14 prosecution witnesses (02 given up), none has been examined so far, therefore, the conclusion of trial will take sufficient long time. Culpability, if any, would be determined at the time of the trial. The petitioner is not involved in any other case.

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 under-trial 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."*

6. In view of the above, the present petition is allowed and the petitioner-Rajinder Singh @ Kala is ordered to be released on regular bail, subject to his furnishing bail bonds/surety bonds to the satisfaction of CJM/Duty Magistrate concerned.

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7. 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.

**(HARPREET SINGH BRAR)**  
**JUDGE**

**03.02.2025***Ajay Goswami*

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>