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

CRM-M-27453-2025

Date of decision: 29.07.2025

Jaswinder Singh

....Petitioner

Versus

State of Haryana

...Respondent

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR****Present:** Mr. S.S. Gill, Advocate  
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

**HARPREET SINGH BRAR, J. (ORAL)**

The present petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking regular bail in case bearing FIR No.50 dated 27.01.2025 under Section 15 of the NDPS Act (Sections 27-A/29 of the NDPS Act added later on) registered at Police Station Sadar Thanesar, District Kurukshetra.

Brief facts of the case are that on 27.01.2025, ASI Dharamvir was present on his duty at Anti Narcotic Cell, Kurukshetra, when he received a secret information regarding the sale of poppy husk, being made by one Gopal Rai and Manjeet Lal, who were working as a Cleaner and Driver, respectively, on a canter and they were to come towards Karnal from Madhya Pradesh with heavy quantity of poppy husk and on finding the information credible, the police team headed by ASI Dharamvir started checking the vehicles and two co-accused, namely, Gopal Rai and Manjeet Lal were apprehended along with the said canter having 300 kg of poppy husk and thus, the instant case.

Learned counsel for the petitioner *inter alia* contends that admittedly, poppy husk was recovered from the co-accused, namely, Gopal Rai



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and Manjeet Lal, who were apprehended at the spot along with the contraband. The petitioner has been nominated as an accused only on the basis of disclosure statement made by co-accused during their custodial interrogation which has no evidentiary value in the eyes of law as the same is hit by Sections 25 and 26 of the Indian Evidence Act. There is no material to prove the conscious possession of the petitioner over the alleged contraband and investigation of the case is complete. The petitioner is behind the bars since 06.02.2025 and till date, out of total 16 prosecution witnesses, none has been examined so far.

The learned State counsel has filed custody certificate in the Court today which is taken on record and per contra, opposes the grant of regular bail to the petitioner on the ground that complicity of the petitioner is duly established as the petitioner is the owner of the vehicle from which the poppy husk which was brought from Madhya Pradesh was recovered at Karnal and he is also involved in one more case under the NDPS Act and thus, he is not entitled to any relief.

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 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.”*

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 06.02.2025. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court and trial of the case has not made much progress as out of 16 prosecution witnesses, none has been examined so far. The culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the accused/petitioner. 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.

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.

In view the above, the present petition is allowed. Thus, without commenting upon the merits of the case lest it may prejudice the outcome of the trial, the petitioner-Jaswinder Singh, is ordered to be released on regular



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bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

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**

**29.07.2025**

*Neha*

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