



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

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**CRM-M-40574-2025**  
**Date of decision: 04.08.2025**

Ganga

....Petitioner

Versus

State of Haryana

....Respondent

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

**Present:** Mr. Mohan Singh Chauhan, Advocate  
for the petitioner.

Mr. Satbir Goripuriya, DAG, Haryana.

**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.419 dated 11.07.2022 registered under Sections 20, 21, 21(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') at Police Station Ambala Cantt., District Ambala.

2. As per the allegations in the FIR, on 11.07.2022, on the basis of a secret information, the police patrolling party headed by ASI Sher Singh intercepted an Activa bearing registration No.HR-85-5610 which was driven by Praveen Kumar @ Vinay and thereafter, the police recovered two polythene from the dicky of aforesaid Activa. In one polythene 50 strips of Sampfx capsules and 18 strips of Spasparvion (total 544 capsules) were found and in another polythene 105 grams ganja were found and same were recovered by the police. The recovery



proceedings were conducted in the presence of Shri Rajesh Kumar Secretary, Municipal Council, Ambala Sadar who discharged the duties of Gazetted Officer under Section 50 NDPS Act. On the basis of disclosure statement of accused Praveen Kumar @ Vinay, Ganga was found involved in the present case.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the impugned FIR by the main accused, who is her ex-husband. Admittedly, in the year 2019, a decree of divorce has been passed between the petitioner and the main accused Parveen. Further nothing has been recovered from the conscious possession of the petitioner and she has been nominated as an accused on the basis of the second disclosure statement made by co-accused during his custodial interrogation, which has no evidentiary value in the eyes of law as the same is hit by Sections 25 and 26 of the Evidence Act. Moreover, the petitioner has been nominated in the impugned FIR on account to the matrimonial discord. Initially, the arrest of the petitioner was stayed by the Hon'ble Supreme Court and thereafter, the same was dismissed and later on, the petitioner surrendered before the jurisdictional Court. The petitioner is a household lady and nothing is to be recovered from the petitioner.

4. *Per contra*, learned State counsel has filed custody certificate and he opposes the prayer made by learned counsel for the petitioner on the ground that the complicity of the petitioner is duly



established, however, he could not controvert the fact that the petitioner is in custody since 13.05.2025.

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 from the last 02 months and 18 days. Investigation is complete.

6. 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."*

7. 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 her rights under Article 21 of the Constitution of India.

8. 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.

9. In view of the above discussions, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner namely Ganga 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.

10. 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**

**04.08.2025**

*yakub*

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No