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

CRM-M-40026-2025 (O&M)
Date of decision: 31.07.2025

Ravi Deep Singh

....Petitioner

Versus

State of Punjab

...Respondent

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

Mr. Subhash Godara, Addl.A.G., Punjab.

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.05 dated 07.01.2025 (Annexure P-1) under Sections 21-61-85 of the NDPS Act registered at Police Station Tanda, District Hoshiarpur, Punjab.

Succinctly, the facts of the case are that on 07.01.2025, the police party, while on patrol duty, were passing by Gurudwara Pulpukhta when they intercepted one car make *i20* in which two persons namely, Mandeep Singh and Ravi Deep Singh (the petitioner herein) were travelling. After complying with the mandatory provisions of the NDPS Act, a search of the said car was conducted in the presence of the DSP and 270 grams of *heroin* in a glazed envelope was recovered from the dashboard.

Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the FIR (*supra*). Admittedly, the alleged contraband was recovered from the glovebox of the car driven by co-accused, namely, Mandeep Singh. The petitioner had merely taken a ride from



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the co-accused. The mental element, which is *sine-qua-non* for proving the conscious possession of the contraband, is conspicuously absent *qua* the petitioner. In fact, the petitioner had no knowledge that the co-accused was carrying drugs in the glovebox of the car. Moreover, the petitioner is not the owner of the car in question. He has been behind the bars for the last 06 months. Although, he is involved in two more cases under the NDPS Act, they pertain to cases of small quantity and the petitioner is on bail. Further, the contraband which was recovered in the present case is 270 grams of *heroin*, which is marginally higher than the commercial quantity which is 250 grams. The entire bulk was taken into possession by the Investigating Officer vide recovery memo and if the weight of the polythene bag in which the *heroin* was wrapped, is deducted from the entire bulk, the contraband would fall within the ambit of commercial quantity.

Learned State counsel has filed custody certificate in the Court today which is taken on record. He opposes the grant of regular bail to the petitioner on the ground that the petitioner was arrested at the spot along with the co-accused, namely, Mandeep Singh. The contraband has been recovered at the spot from the car, as such, the complicity of the petitioner is duly established.

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 09.01.2025. 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 12 prosecution witnesses, none has been examined so far. The culpability, if any, would be determined at the time of



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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.

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.”

In cases where the recovery only marginally breaches the threshold for commercial quantity of the alleged contraband, this Court has found it proper to grant regular bail. Reference in this regard can be made to the judgments rendered by this Court in **Davinder Singh alias Baba vs. State of Punjab** in CRM-M-64821-2023 decided on 25.01.2024, **Gurmeet Singh vs.**



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State of Punjab in CRM-M-1007-2024 decided on 15.01.2024, *Ranjti Singh @ Ranjit Kumar vs. State of Punjab* in CRM-M-57185-2022 decided on 10.01.2023, *Jagtar Singh vs. State of Punjab* in CRM-M-21460-2022 decided on 08.02.2023, *Harjeet Singh alias Sonu vs. State of Punjab* in CRM-M-8242-2023 decided on 15.01.2024, *Jang Kanwar vs. State of Punjab* in CRM-M-53415-2021 decided on 19.01.2022.

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.

In view of the discussion 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-Ravi Deep Singh, is ordered to be released on regular 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 an opinion by this Court on merits of the case. The trial Court shall proceed with the case on its own merits, without being prejudiced anything observed hereinabove.

(HARPREET SINGH BRAR)
JUDGE

31.07.2025

Neha

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