



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

243+304

Date of decision: 04.08.2025

1. CRM-M-40474-2025

Taufiq Khan @ Bablu @ Mohd. Taufiq Khan

....Petitioner

Versus

State of Punjab

....Respondent

2. CRM-M-40409-2025

Ramneet Singh @ Raman

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Amit Arora, Advocate
for the petitioner in CRM-M-40474-2025.

Mr. Ketan Chopra, Advocate
for the petitioner in CRM-M-40409-2025.

Mr. Rishabh Singla, AAG, Punjab.

HARPREET SINGH BRAR J. (Oral)

1. Vide this common order, I intend to dispose of CRM-M Nos.40474 and 40409 of 2025, as common questions of law and facts are involved for adjudication. For the sake of convenience, facts are taken from CRM-M-40409-2025.

2. Prayer in both these petitions filed under Section 483 of BNSS, 2023 is for grant of regular bail to the petitioner(s) namely

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Taufiq Khan @ Bablu @ Mohd. Taufiq Khan and Ramneet Singh @ Raman in FIR No.27 dated 06.03.2025 registered under Sections 21(b), 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') and Section 25 of the Arms Act, 1959 (Section 27-A of the NDPS Act, added later on) at Police Station Sirhali, District Tarn Taran.

3. Brief facts of the case are that on 06.03.2025, ASI Lakhwinder Singh along with his fellow police officials were on patrol duty, in connection with the search of bad elements and they were going from CIA Tarn Taran to Sheron, Naushehra Pannuan, Thathian Mahanta and when police party reached in front of office of PSPCL, three persons were seen standing there. On seeing the police party, they tried to turn back and out of them, one person took out a polythene packet from his right pocket of his pant and threw the same in the side of kachha road. On suspicion, the ASI apprehend them and asked their names one by one. On inquiry, the person, who threw the polythene packet disclosed his name as Jashanpreet Singh @ Giani, son of Jaspal Singh, R/o Naushehra Pannuan, second person disclosed his name as Jobanjit Singh @ Joban son of Harpal Singh, R/o Khalra and third person disclosed his name as Manpreet Singh @ Manna, son of Sukhwinder Singh, R/o Choudhariwala, Naushehra Pannua. The polythene packet was picked up from the ground by Jashanpreet Singh @ Giani and he told that the same contained heroin. On personal search of co-accused, a 30 bore pistol was recovered from left dub. Navalpreet

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Singh (petitioner herein) and Ramaneeet Singh were nominated in this case. The name of accused Lalit was nominated at the disclosure statement of Navalpreet Singh @ Goldy and Ramneet Singh @ Raman and from his possession Rs.20,000/- Indian Currency as drug money and one money counting machine were recovered.

4. Learned counsel for the petitioner(s) *inter alia* contends that admittedly, the alleged contraband was recovered from the conscious possession of co-accused, namely, Jashanpreet Singh @ Giani, Jobanjit Singh @ Joban and Manpreet Singh, who were apprehended at the spot. It is further contended that during custodial interrogation of the co-accused, the petitioner has been nominated as an accused which has no evidentiary value in the eyes of law and it is a trite law that the statements recorded by the police under Section 67 of NDPS Act would be hit by Sections 25 and 26 of Indian Evidence Act. The petitioner is not involved in any other case and similarly situated co-accused, namely, Nawalpreet Singh @ Goldi @ Navalpreet Singh, Lalit Sharma alias Lalit alias Lalit Narayan and Manpreet Singh alias Manna, have already been granted the concession of regular bail by this Court vide order dated 23.07.2025 passed in CRM-M-37884-2025 titled as 'Nawalpreet Singh @ Goldi @ Navalpreet Singh Vs. State of Punjab', vide order dated 09.07.2025 passed in CRM-M-26141-2025 titled as 'Lalit Sharma alias Lalit alias Lalit Narayan Vs. State of Punjab' and order dated 14.07.2025 passed in CRM-M-35531-2025 titled as 'Manpreet Singh alias Manna Vs. State of Punjab', respectively.

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Both the petitioners have suffered incarceration of 04 months and 12 days and they are not involved in any other case.

5. *Per contra*, learned State counsel opposes the prayer made by learned counsel for the petitioner(s) on the ground that the petitioner(s) there is sufficient material available on record to prove the complicity of both the petitioners and thus, they are not entitled to any relief, however, he could not controvert the fact that the petitioner(s) are not involved in any other case.

6. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner(s) are behind the bars from the last 04 months and 12 days. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. Charges have been framed and trial of the case has not made much progress. Out of 11 prosecution witnesses, no PW has been examined so far.

7. 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.

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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.”

8. 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(s)-accused. Keeping the petitioner(s) in further detention without the prospect of the trial being concluded in the near future, would be violative of their rights under Article 21 of the Constitution of India.

9. In view of the discussion made hereinabove, the present petitions are allowed. Accordingly, without commenting upon the merits of the case, the petitioner(s) namely Taufiq Khan @ Bablu @ Mohd. Taufiq Khan and Ramneet Singh @ Raman are ordered to be released on regular bail during pendency of the trial, on their 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.

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11. A photocopy of this order be placed on the file of other connected case.

(HARPREET SINGH BRAR)
JUDGE

04.08.2025
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No