



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

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**CRM-M-13048-2025 (O&M)**  
**Date of decision: 21.05.2025**

Roshan Singh @ Roshi

....Petitioner

Versus

State of Punjab

....Respondent

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

**Present:** Ms. Navneet Kaur Waraich, Advocate  
for the petitioner.

Mr. Nitesh Sharma, DAG, Punjab.

**HARPREET SINGH BRAR J. (Oral)**

1. Prayer in this 1<sup>st</sup> petition filed under Section 483 of the BNSS, 2023, is for grant of regular bail to the petitioner in FIR No.123 dated 18.10.2024 registered under Sections 22-C and 29 of the NDPS Act at Police Station City Rampura, District Bathinda.

2. As per the allegations in the FIR, on 17.10.2024, a police party headed by SI Paramjit Singh apprehended the accused Mandeep Singh along with other co-accused Nirmal Singh and Sukhchain Singh and during their search before the Gazetted Officer, the police recovered 180 strips of intoxicating tablets containing 10 tablets per strip i.e. 1800 tablets labelled as Tramawow-100 (Tramadol Hydrochloride). After chemical analysis of the recovered tablets, the salt of Tramadol Hydrochloride was detected and after taking into account the average weight assessed by the laboratory being 277 mg. per tablet, the total



weight of recovered 1800 tablets comes out to 498.6 grams containing Tramadol Hydrochloride. The impugned FIR was registered and on the basis of disclosure statement of Mandeep Singh @ Mundi, the present petitioner has been nominated in the FIR (supra).

3. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case. Admittedly, the alleged intoxicating tablets were recovered from the conscious and exclusive possession of co-accused Mandeep Singh @ Mundi and the petitioner has been nominated in the case only on the basis of disclosure statement made by Mandeep Singh @ Mundi, 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. Further, apart from the disclosure statement of co-accused, there is no other concrete evidence available on record to connect the petitioner with the alleged recovery. Learned counsel for the petitioner fairly contends that although the petitioner is involved in 03 more cases registered under the NDPS Act, however, he is on bail in all those cases.

4. Learned counsel for the petitioner further submits that there are total 18 prosecution witnesses cited in the list of witnesses, out of which, only 02 PWs have been examined till date and 04 PWs have been given up and the trial is likely to take long time in conclusion.

5. *Per contra*, learned State counsel has filed custody certificate today in the Court which is taken on record and he opposes the prayer made by learned counsel for the petitioner on the ground that



the complicity of the petitioner is duly established during the investigation. The petitioner is supplier of the recovered contraband and a DDR No.15 was recorded in this regard on 19.10.2024. Further, there is exchange of phone calls between the petitioner and the co-accused, as such the petitioner is not entitled to any relief.

6. 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 06 months and 01 day. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. Charges were framed and trial of the case has not made much progress. Out of 18 prosecution witnesses, only 02 PWs have 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. 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-accused. 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.

9. 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.

10. In view the discussion above, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner namely Roshan Singh @ Roshi 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.

11. 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**

**21.05.2025**

*yakub*

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No