



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(276)

CWP-22477-2025

Reserved on:- 30.09.2025

Pronounced on:-13.10.2025

KULVINDER SINGH

... Petitioner

Versus

STATE OF HARYANA AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Navneet Jindal, Advocate
for the petitioner.

Mr. Deepak Vashisht, DAG, Haryana.

SUVIR SEHGAL, J. (ORAL)

1. Instant petition has been filed inter alia for issuance of a writ in the nature of certiorari for quashing orders dated 02.05.2025 and 21.07.2025, Annexures P-3 and P-4 respectively, whereby the petitioner has been detained under the provisions of Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988 (hereinafter referred to as 'PITNDPS Act') for a period of six months. Petitioner has further sought a direction to the respondents to release him from custody, forthwith.

2. Mr. Navneet Jindal, counsel for the petitioner has argued that the detention orders have been passed as the petitioner has been found to be involved in three cases registered against him for offences under the NDPS Act. He asserts that petitioner has been named as an accused on the basis of



disclosure statement in two cases and in the third case, recovery of 7.19 gram heroin has been effected from his person. Counsel emphasizes that the petitioner is on bail in all the three cases and is complying with the conditions imposed upon him by the Court while granting bail. Counsel urges that the authorities do not have any material to form an opinion that petitioner's incarceration is required. Placing reliance upon a judgment of a Division Bench of this Court in **"Lakhwinder Singh @ Bhindi V/s State of Haryana and Others (LPA No.2654-2025, decided on 02.09.2025)"**, it has been argued that mere involvement in three FIRs regarding violation of the provisions of NDPS Act is not sufficient to keep the petitioner in custody and he deserves to be set free.

3. While opposing him, Mr. Deepak Vashisht, DAG, Haryana counsel for the respondents has made a reference to the impugned orders as well as the response filed on behalf of the respondents. He has argued that the detaining authority has taken all the material and relevant aspects into consideration while passing the impugned orders as it was found that the petitioner was misusing the concession of bail and was indulging in drug trafficking along with his family members. He has asserted that the detention orders have been passed in strict compliance of the provisions of the PITNDPS Act and custody of the petitioner is imperative to prevent him from indulging in the trade of contraband.

4. Counsel for the parties have been heard and the documents appended with the paperbook have been examined with their able assistance.

5. An examination of the record shows that vide memo dated



26.02.2025, Annexure P-2, Superintendent of Police, Dabwali initiated a proposal for the detention of the petitioner. This proposal was examined by the Director General of Police who forwarded it to the competent authority vide letter dated 07.04.2025. The proposal along with the dossier including copies of the letters, FIRs, seized memos, disclosure statements, inventory reports, FSL reports, statements, bail orders etc. were examined by the Screening Committee which recommended the preventive detention of the petitioner. On its basis, the competent authority passed the impugned order, Annexure P-3, which was duly served upon the petitioner along with all the accompanying material in the presence of a Duty Magistrate. Petitioner preferred a reference against the aforesaid order which was examined by the Advisory Board. Petitioner was afforded with an opportunity of hearing through video conferencing on 09.07.2025 and a report dated 10.07.2025 was submitted concluding that sufficient cause is made out for detaining the petitioner. Detention order, Annexure P-3, was confirmed by the competent authority vide order dated 21.07.2025, Annexure P-4, and petitioner was ordered to be held captive for a period of six months from the date of his detention i.e. 06.05.2025. The confirmation order was duly served upon the petitioner. Counsel for the petitioner has not been able to point out any breach in the procedure adopted by the respondent-authorities while passing the impugned orders.

6. Petitioner has been found to be involved in the following three criminal cases:-



Sr. No.	FIR No., date, u/s and Police Station	Narcotic substance	Date of Arrest	Bail	Present stage of Case
1.	FIR No.319 dated 30.05.2023 u/s 15(b) NDPS Act, PS City Dabwali, District Dabwali, Haryana	1 kg 200 gm Poppy Straw (supplier)	22.08.2023	Bail granted on 14.09.2023	Under Trial
2.	FIR No.269 dated 04.07.2024 u/s 21(b) NDPS Act, PS City Dabwali, District Dabwali, Haryana.	9.15 gm Heroin recovered from his wife Soma Bala	26.08.2024	Bail granted on 03.10.2024	Under Trial
3.	FIR No.433 dated 24.11.2024 u/s 21(b) NDPS Act, PS City Dabwali, District Dabwali, Haryana.	7.19 gm Heroin recovered from petitioner	24.11.2024	Bail granted on 17.12.2024	Awaiting Challan

7. Petitioner was arrested in the first criminal case on 22.08.2023 and was granted bail on 14.09.2023. Soon thereafter, he was named as an accused by his wife, Soma Bala in the second criminal case which was registered on 04.07.2024. Recovery of 9.15 gram heroin was effected from petitioner's spouse. Petitioner was arrested on 26.08.2024 and was released on bail on 03.10.2024. Soon thereafter, he was arrested in the third criminal case which was registered on 24.11.2024 and a recovery of 7.19 gram heroin was effected from him. He was incarcerated and released on 17.12.2024. This sequence of events clearly reflect that the petitioner has been indulging in the trade of the banned substance and upon being released on bail, he has been going back to the same trade. Not only this, it was found that petitioner's family is indulged in drug trafficking. Petitioner's brother, Binder Singh @ Bhinda is involved in



seven criminal cases registered for various offences under the NDPS Act. Beant Kaur, sister-in-law of the petitioner (wife of Kulwinder Singh @ Kandi) has one FIR registered against her under the NDPS Act and petitioner's spouse is also involved in two cases for offences under the same statute. All this material coupled together shows that the petitioner and his family have deep roots and are completely involved in illicit trade. Criminal cases have been registered against the petitioner as well as his family members in the last few years for offences under the NDPS Act. From the above facts, a clear pattern is evident that the petitioner and his family are actively involved in illegal trafficking of narcotic substance. A strong possibility exists that upon being released on bail he is likely to indulge in the notorious trade. Reports supplied to the detaining authorities show that he is engaged in the trade causing threat to the health and welfare of the public at large. Judgment in Lakhwinder Singh's case (supra) is clearly distinguishable as the detaining authority could not refer to any incriminating material against the said detainee other than his involvement in three criminal cases.

8. In the present case, this Court is of the view that the material before the detaining authority is sufficient to arrive at the subjective satisfaction that there is a live and proximate link between the past conduct of the petitioner and the imperative need to detain him. The detaining authority has applied its mind to all the relevant circumstances which are germane to the passing of the detention orders. This Court is of the view that the subjective satisfaction arrived at by the detaining authority is based on proper examination and analysis of the material before it. The tests laid down by the Hon'ble Supreme



Court in “*Ameena Begum Vs State of Telangana and Others (2023) 9 SCC 587*” are satisfied. This Court therefore, does not find any reason to interfere with the detention orders.

9. Finding no merit in the writ petition, it is dismissed with no order as to cost.

(SUVIR SEHGAL)
JUDGE

13.10.2025
parul verma

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No

