

CNR No: PHHC010181192026

2026:PHHC:114535



IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRWP-1237-2026 (O&M)

Sandeep Singh @ Chatha

...Petitioner

Versus

Union of India and another

...Respondents

Sr. No.	Particulars	Details
1	The date when the judgment is reserved	07.08.2026
2	The date when the judgment is pronounced	20.08.2026
3	The date when the judgment is uploaded on the website	20.08.2026
4	Whether only operative part of the judgment is pronounced or full judgment is pronounced	Full
5	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM:- HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Sandeep Wadhawan, Advocate
for the petitioner.

Mr. Rajiv Sharma, Senior Central Govt. Counsel with
Mr. Vinayak Attri, Advocate and
Ms. Indu Bala Sharma, Advocate
for respondents No. 1 and 2.

Mr. Sourabh Goel, Special Public Prosecutor with
Ms. Deify Jindal, Advocate and
Ms. Anju Bansal, Advocate
for respondent No. 3-NCB.

MANISHA BATRA, J.

1. The present petition has been filed under Article 226 of the Constitution of India seeking issuance of a writ in the nature of habeas corpus for setting aside the detention order bearing F.No. U-11011/46/2025-

PITNDPS dated 27.11.2025, passed by the Joint Secretary, Government of India, Ministry of Finance, Department of Revenue, PITNDPS Unit, New Delhi, under Section 3(1) of the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988 (*for short, 'the PITNDPS Act'*). The petitioner has also prayed for his interim release during the pendency of the petition.

2. The case of the petitioner, as set out in the petition, is that a case bearing NCB Crime No.79/2022 dated 15.11.2022 came to be registered by the NCB, Chandigarh Zonal Unit after specific intelligence was received regarding trafficking of narcotic drugs. Acting upon the said information, the NCB apprehended one Sandeep Singh @ Deepu at Mohali on 15.11.2022 and recovered 20.326 kg of heroin from his possession. During the course of investigation, other accused, including Akshay Chhabra @ Babblu, Gaurav @ Gora/Ajay Kumar Grover and petitioner Sandeep Singh Chatha, were arrested and further recoveries of heroin, opium and morphine were effected, besides detection of clandestine laboratories involved in processing narcotics. The petitioner was arrested on 09.12.2022 and a charge-sheet was subsequently presented before the learned Special Court, Ludhiana on 12.05.2023. The petitioner also filed a retraction application, which was disposed of by the learned Special Court on 11.07.2023. The petitioner was granted bail by the Hon'ble Supreme Court on 24.11.2025. However, the detention order was passed on 27.11.2025 and was executed only on 07.01.2026.

3. As per the detention order, the Detaining Authority was satisfied that it was necessary to detain the petitioner with a view to prevent him from engaging in illicit trafficking of narcotic drugs and substances in

future. The grounds of detention refer to NCB Crime No.79/2022 and other criminal cases against the petitioner. The record further reveals that the NCB had initially forwarded its proposal for preventive detention on 02.09.2025. The Screening Committee considered the proposal on 29.10.2025 and found it fit for detention. Thereafter, the detention order was passed on 27.11.2025. The petitioner was detained on 07.01.2026. Subsequently, the Central Advisory Board considered the matter and the Central Government, vide order dated 24.03.2026, confirmed the detention order and directed that the petitioner be detained for a period of one year from 07.01.2026. Aggrieved from the same, the present petition has been filed.

4. It is argued by learned counsel for the petitioner that the impugned detention order is not sustainable in the eyes of law. It is argued that the detention order has been passed on stale and remote material relating mainly to the year 2022, whereas the order was passed nearly three years thereafter. There was no fresh prejudicial activity by the petitioner which could justify the necessity of preventive detention in November, 2025. It is further submitted that even the proposal for detention was made much after the alleged activities. The NCB had firstly proposed preventive detention on 30.04.2024 and thereafter submitted another report on 05.11.2024, but the detention order was ultimately passed only on 27.11.2025. Thus, there was a long and unexplained delay between the alleged prejudicial activities, the proposal and the passing of the detention order. It is argued that such delay shattered the live and proximate link between the alleged activities and the necessity of preventive detention. Reliance in this regard has been placed upon ***Saeed Zakir Hussain Malik v. State of Maharashtra & others***,

2012(4) RCR(Criminal) 154 SC, T.A. Abdul Rahman v. State of Kerala, AIR 1990 SC 225, Rajinder Arora v. Union of India and others, 2006(2) RCR (Criminal) 752, Suraj Kumar Sahu v. State of Chhattisgarh and others (SC) Criminal Appeal No. 002704 of 2025 SLP (Crl.) No.5485 of 2025) decided on 09.05.2025, Adishwar Jain v. Union of India and Another, 2006(4) RCR (Criminal) 931 and Arjun Satpal Kumbhar v. Commissioner of Police & others, Criminal Appeal No. 3388 of 2025 (@ SLP (Crl.) No. 5466 of 2025), decided on 05.08.2025.

5. It is further argued by learned counsel for the petitioner that there is an unexplained delay of 41 days in execution of the detention order. The order was passed on 27.11.2025, whereas the petitioner was detained only on 07.01.2026. It is argued that the petitioner was available at his permanent address and, therefore, there was no justification for such delay. The delay in execution itself shows that there was no real or immediate necessity for his detention. There is no explanation forthcoming from the respondents regarding this delay. It is well settled that unexplained delay in the execution of the order of detention would vitiate the order. Reliance in this regard has been placed upon ***P.M. Harikumar v. Union of India, 1995 5 SCC 691, S.M.F. Sultan Abdul Kader v. Jt. Secretary to Government of India, 1998 8 SCC 343, Saeed Zakir Hussain Malik v. State of Maharashtra and others, 2012 (4) RCR (Criminal) 154, Kadhar Naina Ushman v. Union of India, 2008 17 SCC 725 and A. Mohammed Farook v. Jt. Secretary to Government of India, 2000 2 SCC 360.***

6. It is next argued by learned counsel for the petitioner that he had been granted regular bail by the Hon'ble Supreme Court on 24.11.2025 in NCB Crime No.79/2022 and the detention order was passed only three

days thereafter. The timing of the detention order clearly shows that preventive detention was being used to defeat or overreach the bail order. It is submitted that preventive detention cannot be permitted to circumvent the ordinary criminal process or to defeat an order of bail passed by a competent Court. There is no allegation that he had violated any condition of bail after his release and, therefore, the apprehension of his future involvement in similar activities could have been addressed by seeking cancellation of bail in the pending criminal proceedings. It is submitted that preventive detention cannot be used as a substitute for cancellation of bail. In this regard, he has relied upon *Ameena Begum v. State of Telangana and others, 2023 9 SCC 587*.

7. It is further argued by learned counsel for the petitioner that the relevant and vital material was not placed before the Detaining Authority. In particular, the retraction application dated 11.07.2023, acquittal and discharge orders and other relevant documents were withheld. It is submitted that such documents could have materially affected the subjective satisfaction of the Detaining Authority. Reliance has been placed upon *Deepak Bajaj v. State of Maharashtra, AIR 2009 SC 628, Asha Devi v. K. Shivraj, AIR 1979 SC 447, State of U.P. v. Kamal Kishore Saini, AIR 1988 SC 208, Ayya alias Ayub v. State of U.P., AIR 1989 SC 364* and *Ahmed Nisar v. State of Tamil Nadu, AIR 1999 SC 3897*.

8. It is lastly submitted that the Detaining Authority has merely acted upon the material supplied by the sponsoring authority without independently applying its mind. Learned counsel submits that the detention order is, therefore, punitive in nature and not preventive. It is well settled law that when the recourse to criminal proceedings would be sufficient to

deal with alleged prejudicial activities, then the detention order is not needed. Reliance in this regard has been placed upon ***Rekha v. State of Tamil Nadu, 2011 4 RCR (Criminal) 21, Yumman Ongbi Lembi Leima v. State of Manipur, (2012) 2 SCC 176*** and ***Munagala Yadamma v. State of Andhra Pradesh, (2012) 2 SCC 386***. With these broad submissions, it is urged by learned counsel for the petitioner that the petition deserves to be allowed and the impugned detention order is liable to be set aside.

9. On the other hand, learned counsel appearing for the Union of India has opposed the petition. He has argued that the petitioner is an active member of an organised interstate and transnational narcotics syndicate and has been involved in several NDPS cases since the year 2017. It is submitted that NCB Crime No.79/2022 involved recovery of about 39.936 kg heroin, 0.557 kg opium, precursor chemicals and ammunition and also resulted in the dismantling of two clandestine heroin-processing laboratories. The investigation also revealed a large financial network involving more than 200 bank accounts and 54 properties. The detention was not based merely on the old seizure case. The investigation continued through financial scrutiny, asset tracing, technical surveillance and intelligence gathering. It is further submitted that a classified intelligence report dated 21.11.2025 had disclosed that the petitioner continued to supervise and coordinate narcotics trafficking even while in judicial custody. Technical surveillance and call-detail records showed use of a mobile number from the vicinity of Goindwal Jail between 08.02.2025 and 02.07.2025, along with continued communication with associates involved in trafficking. It is, therefore, submitted that the live and proximate link continued to exist.

10. It is further argued that preventive detention and criminal

prosecution operate in different fields. The grant of bail does not prevent the competent authority from passing an order of preventive detention if there is material showing a likelihood of the detenu again indulging in prejudicial activities. The detention order is not based upon any solitary confession. The same is supported by independent recoveries, technical evidence, financial investigation, intelligence inputs and antecedents. The acquittal was not on merits but followed from the non-appearance of witnesses for cross-examination. It is also argued that the petitioner has an association with the Jaggu Bhagwanpuria syndicate and that his capacity to influence or intimidate witnesses was a relevant consideration. Hence, he has prayed for dismissal of the petition. To fortify his arguments, learned counsel for respondents No. 1 and 2/UOI has relied upon Reliance has been placed upon ***Haradhan Saha v. State of West Bengal, 1975 3 SCC 198, Union of India v. Paul Manickam, 2003 8 SCC 342, State of Tamil Nadu v. Abdullah Kadher Batcha, 2009 1 SCC 333 and Anant Sakharam Raut v. State of Maharashtra, 1987 2 SCC 314.***

11. Learned counsel appearing for respondent No.3-NCB has argued that the NCB was only the sponsoring authority and had placed the relevant material before the competent Detaining Authority. The petitioner is not a first-time offender and the material collected during investigation shows his alleged central role in the organised narcotics network. The allegation of delay is misconceived as the activities of the petitioner allegedly continued even during his incarceration. No prejudice has been shown on account of the time taken in execution. It is further submitted that Section 13(7) of the PITNDPS Act places a restriction on release of a person against whom a detention order under the Act is in force. On this basis, it is

argued that the petitioner cannot seek release under ordinary criminal law while the detention order remains operative. Hence, it is urged that the petition is liable to be dismissed.

12. This Court has heard the rival submissions, besides perusing the material placed on record.

13. The present writ petition has been filed challenging the preventive detention order dated 27.11.2025 and the subsequent confirmation order dated 24.03.2026 passed under the PITNDPS Act, whereby the petitioner, who had been granted regular bail by the Hon'ble Supreme Court in NCB Crime No.79/2022, has been detained for a period of one year. The core issue which arises for consideration is whether such detention, in the facts and circumstances of the present case, satisfies the constitutional and statutory requirements governing preventive detention or not? This question finds answer in several judicial pronouncements. Hon'ble Supreme Court in ***Golam Hussain v. Commissioner of Police (1974) 4 SCC 530*** held that the past conduct alone cannot justify preventive detention of a person, unless there exists a live and proximate link between the alleged past activity and the apprehension of future prejudicial conduct. It was categorically observed that detention cannot be sustained merely because the detenu had indulged in illegal activity in the distant past, as such an approach would amount to misuse of preventive powers and virtual nullification of the judicial process. Reliance can also be placed upon ***Vijay Narain Singh v. State of Bihar, (1984) 3 SCC 14***, wherein Hon'ble Supreme had observed as under :

32. ...It is well settled that the law of preventive detention is a hard law and therefore it should be strictly construed. Care should be taken that the liberty of a person is not

jeopardised unless his case falls squarely within the four corners of the relevant law. The law of preventive detention should not be used merely to clip the wings of an accused who is involved in a criminal prosecution. It is not intended for the purpose of keeping a man under detention when under ordinary criminal law it may not be possible to resist the issue of orders of bail, unless the material available is such as would satisfy the requirements of the legal provisions authorising such detention. When a person is enlarged on bail by a competent criminal court, great caution should be exercised in scrutinising the validity of an order of preventive detention which is based on the very same charge which is to be tried by the criminal court.”

14. Reference can also be made to *Sama Aruna v. State of Telangana, (2018) 12 SCC 150*, wherein the Hon’ble Supreme Court reiterated that although past conduct may be taken into consideration but only such past activities which are proximate in time and have a direct bearing on the likelihood of immediate future illegal conduct can be relied upon. It was cautioned that stale incidents or remote antecedents cannot form a valid foundation for preventive detention.

15. The alleged prejudicial activities in this case primarily relate to NCB Crime No.79/2022, registered on 15.11.2022, whereas the impugned detention order was passed only on 27.11.2025, after a lapse of nearly three years. Thus, there is a considerable delay between the alleged activities and the passing of the detention order, for which no satisfactory explanation is forthcoming from the record. On the aspect of delay in passing the detention order, it is well settled that mere delay by itself is not sufficient to invalidate an order of preventive detention. However, where there is undue and unexplained delay between the alleged prejudicial activities and the passing

of the detention order, the Detaining Authority is required to satisfactorily explain such delay and the Court is required to examine whether the live and proximate link between the prejudicial activities and the purpose of detention has been snapped. In ***Saeed Zakir Hussain Malik's case (supra)***, the Hon'ble Supreme Court, after considering the earlier authorities, reiterated that when there is undue and long delay, the Court has to scrutinise whether the Detaining Authority has afforded a reasonable and acceptable explanation for such delay and whether the causal connection has been broken. In the present case, the principal material relied upon against the petitioner pertains to NCB Crime No.79/2022, registered on 15.11.2022, whereas the impugned detention order came to be passed only on 27.11.2025, i.e. after a lapse of nearly three years. The record further indicates that the proposal for preventive detention had itself been mooted much earlier, yet the detention order was passed only in November, 2025. Thus, there is a substantial time-gap between the alleged prejudicial activities and the passing of the detention order. Though the respondents seek to rely upon the subsequent intelligence inputs and alleged activities of the petitioner during his incarceration, the material, as placed before this Court, does not satisfactorily explain the considerable delay in initiating and ultimately passing the preventive detention order with reference to the original prejudicial activities. In these circumstances, the live and proximate link between the alleged activities of the year 2022 and the necessity of preventive detention in November, 2025 becomes seriously doubtful. It is also significant that the Hon'ble Supreme Court in ***T.A. Abdul Rahman's case (supra)*** has held that the test of proximity is not a rigid or mechanical one but where there is undue and long delay, the Detaining Authority must

furnish a reasonable explanation and the Court must examine whether the causal connection between the prejudicial activities and the purpose of detention has been broken. Likewise, in ***Lakshman Khatik v. State of West Bengal, (1974)4 SCC 1***, it was emphasised that prompt action is required in preventive detention matters and unexplained delay may render the detention order invalid. Similar view has been taken in ***Pradeep Nilkanth Paturkar v. S. Ramamurthi, 1993 Supp (2) SCC 61***, ***Manju Ramesh Nahar v. Union of India, 1999(2) RCR (Criminal) 394***, ***Adishwar Jain v. Union of India, 2006(4) RCR (Criminal) 931*** and ***Rajinder Arora v. Union of India, 2006(2) RCR (Criminal) 752***.

16. Applying the aforesaid principles to the facts of the present case, this Court is of the considered view that the substantial delay in passing the detention order, coupled with the absence of a satisfactory explanation demonstrating continuity of the alleged prejudicial activities, has snapped the live and proximate link between the alleged activities and the necessity for preventive detention. Consequently, the detention order cannot be sustained on this ground alone.

17. Now let us deal with the aspect of delay in execution of the detention order. It is well settled that mere delay would not invalidate the detention order. However, the Detaining Authority is required to furnish a satisfactory explanation and place before the Court the material showing the efforts made to execute the order. In ***Kadhar Naina Ushman' s case (supra)***, the Hon'ble Supreme Court held that where the authorities merely make general and vague averments regarding the detenu being absconding, without disclosing the actual efforts made to execute the detention order, such unexplained delay would vitiate the detention order. In that case, the

Court found that no particulars of the efforts made during the relevant period were furnished and consequently concluded that the respondents had failed to offer any satisfactory explanation for the delay. In the present case, the detention order was passed on 27.11.2025, whereas the same was executed only on 07.01.2026, resulting in a delay of 41 days. The respondents have not placed on record any satisfactory or convincing explanation demonstrating the steps actually taken during this period to secure the petitioner. The unexplained delay assumes further significance as the petitioner had been granted regular bail by the Hon'ble Supreme Court on 24.11.2025 and was, therefore, not a person who was shown to be absconding or unavailable to the authorities. In the absence of a cogent explanation for the delay, the genuineness of the immediate necessity for preventive detention becomes doubtful and the subjective satisfaction of the Detaining Authority stands vitiated. A similar view has been taken in ***P.M. Hari Kumar, S.M.F. Sultan Abdul Kader and A. Mohammed Farook's case (supra)***, wherein unexplained or inadequately explained delay in execution of the detention order has been held to vitiate the order of preventive detention.

18. The petitioner has also challenged the detention order on the ground that he had already been granted regular bail by the Hon'ble Supreme Court in NCB Crime No.79/2022 and that the respondents, instead of seeking cancellation of the said bail, resorted to the extraordinary power of preventive detention. It is submitted that preventive detention cannot be permitted to circumvent the ordinary criminal process or to defeat an order of bail passed by a competent Court. The petitioner further contends that there is no allegation that he had violated any condition of bail after his

release, and, therefore, the apprehension of his future involvement in similar activities could have been addressed, if warranted, by seeking cancellation of bail in the pending criminal proceedings. The aforesaid contention merits acceptance. Preventive detention is an extraordinary measure and cannot ordinarily be invoked merely because the competent criminal Court has granted bail to an accused. If the authorities were of the view that the petitioner was likely to indulge in prejudicial activities after his release, the ordinary course available to them was to seek cancellation of the bail by placing the relevant material before the competent Court. In the present case, no material has been pointed out to show that any such application for cancellation of bail was moved before the competent Court. The resort to preventive detention, in these circumstances, has the effect of circumventing the ordinary criminal process and the order granting bail. The Hon'ble Supreme Court in *Ameena Begum's case (supra)*, in substantially similar circumstances, held that where the detenu had been released on bail and no application for cancellation of bail had been moved by the State, the extraordinary law of preventive detention ought not to have been resorted to when ordinary criminal law provided sufficient means to address the apprehension of the authorities. The principle is further fortified by *Vijay Narain Singh v. State of Bihar, (1984) 3 SCC 14*, wherein it was emphasised by Hon'ble Supreme Court that preventive detention law should not be used merely to keep an accused in detention when ordinary criminal law is applicable, particularly where the accused has been enlarged on bail and the detention is founded on the same criminal case. Similar view has also been taken in *Banka Sneha Sheela v. State of Telangana, (2021) 9 SCC 415*.

19. In view of the foregoing discussion, this Court is of the considered view that the impugned detention order dated 27.11.2025 suffers from serious legal infirmities. The unexplained delay in passing the detention order, the further unexplained delay of 41 days in its execution, and the fact that the order came to be passed only three days after the petitioner was granted regular bail by the Hon’ble Supreme Court, cumulatively snap the live and proximate link between the alleged prejudicial activities and the necessity for preventive detention. The resort to preventive detention, without any material showing violation of the bail conditions or any attempt to seek cancellation of bail, also amounts to circumventing the ordinary criminal process. Preventive detention being an exceptional measure, the safeguards relating to personal liberty are required to be strictly construed and complied with. Consequently, the detention order dated 27.11.2025 and the consequential confirmation order dated 24.03.2026 cannot be sustained and are hereby quashed. The petitioner is ordered to be released forthwith, if not required in any other case. The present petition is, accordingly, allowed.

20.08.2026
Waseem R. Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No