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

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CRM-M-29634-2025 (O&M)

Date of decision: 01.07.2025

Harpreet Singh @ Happy Baba**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Rahi Mehra, Advocate
for the petitioner.

Mr. Vivek Sharma, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. This petition has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking regular bail in case bearing FIR No. 146 dated 01.07.2022, registered under Sections 21, 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) and Sections 25(6) and 25(7) of the Arms Act, 1959 at Police Station City Tarn Taran, District Tarn Taran.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 01.07.2022, on the basis of a secret information, co-accused Gurbhej Singh @ Lali and Harjit Singh were apprehended by a police party and recovery of 350 grams of heroin was effected from them. They were formally arrested at the spot. Subsequently, the petitioner was also named in this case on the basis of a secret information and was taken into custody by way of production warrant as he was already in custody in connection with some other case. After completion of necessary investigation and usual formalities, *challan* under Section 173 of Cr.P.C. was presented in the Court and presently, the

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petitioner along with co-accused is facing trial for commission of aforementioned offences. He had moved an application before the trial Court for grant of regular bail but the same had been dismissed, vide order dated 04.03.2025.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. Though he was named in the FIR on the basis of a secret information but was not found at the spot. No subsequent recovery has been effected from him. Even otherwise, challan has been presented and the conclusion of trial is likely to take time. Co-accused, namely Gurbhej Singh @ Lali and Harjit Singh, who were apprehended at the spot and from whom the aforesaid recovery of the contraband was effected, have already been granted concession of regular bail by this Court, vide orders 23.04.2024 and 09.05.2024 passed in **CRM-M-50858-2023** and **CRM-M-22065-2024**, respectively. Even co-accused Amritpal Singh @ Peter, who was nominated on the basis of the disclosure statements of the aforesaid co-accused, has been granted concession of regular bail by this Court, vide order dated 09.09.2024 passed in **CRM-M-40254-2024**. On the grounds of parity, the petitioner too deserves the same benefit. Although, the petitioner has been falsely implicated in some other cases but that alone cannot be made a ground to deny him this benefit in given circumstances. It is, therefore, urged that the petition deserves to be allowed.

4. Learned Assistant Advocate General, Punjab, who has advance notice of the petition and is ready to argue the matter, has opposed the prayer of the petitioner on the ground that the petitioner is involved in some other cases

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and if he is released on bail, he can abscond or indulge in similar offences. Hence, it is urged that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also gone through the record carefully.

6. Admittedly, the petitioner has been nominated in this case on the basis of a secret information. He was not apprehended from the spot. No recovery has been effected from him. Prime co-accused of the petitioner, who were apprehended at the spot and from whom the aforesaid recovery of the contraband was effected, have already been granted concession of regular bail by this Court, as mentioned above. Co-accused Amritpal Singh @ Peter, against whom similar allegations have been levelled, has also been extended benefit of bail by this Court. The trial is going on and its conclusion would certainly take time. Therefore, keeping in view the aforesaid facts and circumstances, I am of the considered opinion that no useful purpose would be served by keeping the petitioner in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

01.07.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No