

2025:PHHC:148189



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

219

CRM-M-33858-2025 (O&M)
Date of decision: 29.10.2025

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

Present:- Mr. P. S. Sekhon, Senior Advocate with
Mr. L. S. Sekhon, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in case bearing FIR No. 29 dated 26.01.2024, registered under Sections 21, 22, 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station City Barnala, District Barnala.

2. Brief facts of the case relevant for the disposal of the present petition are that on 26.01.2024, co-accused Sunny Singh was apprehended by a police party and recovery of 500 vials of *Wincerex* Cough Syrup of 100 ml each and 700 intoxicant tablets was effected from him. Upon interrogation, he disclosed that he used to purchase the contraband from his brother/co-accused Pritpal Singh @ Kali and used to sell the same to the present petitioner and some other persons. On the basis of the same, the petitioner was nominated in this case as an accused and was arrested on

2025:PHHC:148189



22.03.2025. Investigation now stands completed and *challan* has been filed. The petitioner along with the co-accused is facing trial for commission of aforementioned offences.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was neither found at the spot and nor was named in the FIR. He has been involved in this case on the basis of the disclosure statement made by the aforesaid co-accused, which is not admissible in evidence. No subsequent recovery has been effected from the petitioner. Even otherwise, investigation has since been completed and *challan* has been filed. Conclusion of trial is likely to take considerable time. Pendency of other cases against the petitioner cannot be considered to be a ground for denying him the concession of bail. He is in custody since 22.03.2025. No useful purpose would be served by keeping him in custody anymore. Co-accused Manjit Kaur has been granted concession of anticipatory bail by this Court. On parity, the petitioner too deserves to be granted the benefit of bail. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on regular bail.

4. Status report along with the custody certificate of the petitioner has been filed by the respondent-State. Learned State counsel has argued that keeping in view the gravity of the allegations levelled against the petitioner as well as his criminal antecedents, he is not entitled to get benefit of bail. It is, thus, argued that the petition is liable to be dismissed.

5. This Court has heard the rival submissions made by both the sides.

6. The petitioner has been nominated in this case on the basis of

2025:PHHC:148189



the disclosure statement suffered by co-accused Sunny Singh, who was apprehended by the police party on 26.01.2024 and from whom, the alleged recovery of intoxicating substances was effected. The allegations against the petitioner are that he used to purchase intoxicating substances from the co-accused. He is in custody since 22.03.2025. However, no subsequent recovery is shown to have been effected from him. Investigation has since been completed and *challan* has been presented. Conclusion of trial would obviously take time. Although, the petitioner is shown to be involved in some other cases but that alone cannot be made a ground to deny him concession of bail in given circumstances. Keeping in view the aforesaid facts and circumstances, this Court is 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.

29.10.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No