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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
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Decided on : 15.09.2025

MANJIT SINGH @ BABA . . . PETITIONER
VS.
STATE OF PUNJAB . . . RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Jashandeep Singh Sandhu, Advocate
for the petitioner.
Mr. Bareen Pratap Singh, AAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Manjit Singh @ Baba	29	16.02.2024	21 (c) of N.D.P.S. Act 1985 and Section 29 of NDPS Act added later on	STF, SAS Nagar Mohali	Tarn Taran

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2. There was recovery of 400 grams of heroin from the main accused Dalbir Singh which undoubtedly is of commercial quantity. Name of the present petitioner is involved through the disclosure statement of main accused with the allegation of supplying of the said heroin.

3. Learned counsel for the petitioner contends that the present case is implanted against him as he was already known to local police and also points out that apart the present case the petitioner was earlier involved in two more NDPS cases i.e. FIR No.140, dated 27.07.2020, under Section 21 NDPS Act, Police Station Bhikhiwind, District Tarn Taran and FIR No.97, dated 16.08.2021, under Section 21-C of NDPS Act, registered at Police Station Bhikhiwind, Distt. Tarn Taran. In both the cases, the allegations against the petitioner was of similar nature i.e. of supplying of the drug/contraband and in the said two cases petitioner is already on bail.

4. Extending his submissions, counsel further submits that after arresting the petitioner in the present case, no contraband has been recovered from him, either on this occasion or on earlier occasions. The sole substance of involvement of the petitioner is due to the reason of his connection with the main accused Dalbir Singh who is in fact, none but the co-villager and running a shop as well, in the village. Mr. Sandhu also points out that even in the secret information, name of the petitioner didn't appear and has thus been falsely implicated later on. Moreover, petitioner is suffering incarceration since 16.02.2024 and as of now there is no progress in the

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trial of the case, because out of total 15 witnesses only one has been examined.

5. Learned State is unable to controvert any of the plea addressed by the petitioner. Moreover, Court has already taken notice of the involvement of the petitioner in other criminal cases, as have been disclosed by the petitioner's counsel himself. In none of the cases, petitioner has been convicted till date nor there is any allegation (as submitted by petitioner's counsel) that in the present case or the earlier registered cases against petitioner under NDPS Act at any point of time any quantity of Narcotic contraband was recovered from him except of one case i.e. FIR No.140/2020, dated 27.07.2020, under Section 21 of NDPS Act, registered at Police Station Bhikhiwind.

6. On the other hand, while vehemently opposing the prayer of bail, learned State counsel submits that keeping in view the nature of offence, he does not deserve concession of bail. However, learned State counsel though does not dispute the factual position, as explained by the petitioner's counsel here-above.

7. I have heard learned counsel for the parties and perused the relevant material available on record.

8. While considering the plea of bail, this Court is conscious of the fact of recovery of narcotic contraband from the co-accused. However,

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this Court also cannot overlook other factual aspects, such as; the young age of the petitioner, his involvement in a case under the NDPS Act only on the basis of disclosure statement, the total period of incarceration already undergone, as well as the potential risk of his coming into contact with hardened criminals in the eventuality of prolonged detention. Therefore, this Court deems it appropriate to consider the plea of bail of the petitioner.

9. Despite the petitioner, having been arrested in the present case, no material or contraband was recovered from his possession. Furthermore, the connectivity of the petitioner to the co-villager Dalbir Singh (co-accused in the present case) is for the purpose of drug business or some other reason is yet to be ascertained during the course of examination of witnesses. The petitioner has already been inside the jail since 28.10.2024, thus plea for grant of regular bail seems to be worth consideration.

10. Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

11. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

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12. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

13. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

14. Petition stands **disposed of**.

(SANJAY VASHISTH)
JUDGE

September 15, 2025
Poonam Sharma

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*