



223 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-51403-2025
Date of decision: 17.09.2025

GURBHEJ SINGH

...PETITIONER

V/S

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Mr. Sukhbir Maandi, Advocate
for the petitioner.

SUBHAS MEHLA, J. (ORAL)

1. By way of the present petition filed under Section 483 BNSS, 2023 the petitioner is seeking regular bail in case FIR No.77 dated 10.05.2023 under Sections 21(C), 29, 61, 85 of Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Sirhali, District Tarn Taran.

2. Learned counsel for the petitioner contended that co-accused, namely, Daya Singh, Bikkar Singh and Gurbaz Singh have been granted the concession of regular bail by Co-ordinate Bench of this Court vide orders dated 27.05.2024, 06.05.2024 and 11.09.2024 passed in **CRM-M Nos.25992, 21186 and 43905 of 2024** (Annexures P-2 to P-4) respectively. It is further contended that the petitioner is in custody since 12.05.2023 and he has been nominated in the present case only on the basis of disclosure statement made by co-accused, which is inadmissible in evidence. As such, learned counsel prayed for grant of regular bail to the petitioner.

3. Notice of motion.



4. Mr. Sandeep Kumar, DAG, Punjab, accepted notice on behalf of the respondent-State and produced the custody certificate of the petitioner, which is taken on record. Learned State counsel opposed the prayer for grant of regular bail to the petitioner by submitting that the present case is fixed for prosecution evidence and out of 13 witnesses cited by the prosecution, 6 have been examined. Further, the present petitioner is also involved in one more case under the provisions of Indian Penal Code, 1860 but learned State counsel admitted the fact that co-accused have already been granted the concession of regular bail and the present petitioner is involved in the present case only on the basis of disclosure statement(s) of co-accused.

5. Heard.

6. Keeping in view the facts and circumstances of the case and the fact that co-accused, namely, Daya Singh, Bikkar Singh and Gurbaz Singh have been granted the concession of regular bail by Co-ordinate Bench of this Court vide orders dated 27.05.2024, 06.05.2024 and 11.09.2024 passed in ***CRM-M Nos.25992, 21186 and 43905 of 2024*** (Annexures P-2 to P-4) respectively; petitioner is in custody since 12.05.2023 i.e for the last more than two years; trial will take sufficient time to conclude and no fruitful purpose would be served by keeping him in custody for any further period as concession of bail cannot be denied just as measure of punishment and it is trite principle of criminal jurisprudence that bail is rule, jail is an exception, this Court deems it a fit case to grant the concession of regular bail to the petitioner.

7. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on

regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

8. Nothing observed hereinabove shall be construed to be expression of an opinion by this Court on merits of the case. The learned Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

September 17, 2025
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(SUBHAS MEHLA)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No