

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:049204



233

CRM-M-5069-2026 (O&M)

Date of decision:30.03.2026

Sukhwinder Singh @ Pappa

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. PKS Phoolka, Advocate for the petitioner.

Mr. Durgesh Garg, AAG, Punjab.

...

Manisha Batra, J. (Oral).

1. The instant one is the second petition as filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking grant of regular bail in case bearing FIR No.02 dated 02.01.2025, registered under Section 15(C) of the NDPS Act, at Police Station Raman, District Bathinda, on the allegations that on 02.01.2025, the petitioner along with co-accused was apprehended by police officials and recovery of 60 kgs. of poppy husk was effected from a car, of which the petitioner was one of the occupants. The previous petition as filed by the petitioner had been dismissed on 01.09.2025.

2. It is argued by learned counsel for the petitioner that he is suffering from 80% disability and is not even able to move at his own. His condition is worsening day by day as his disability is a locomotor disability.

All his major limbs are affected. No useful purpose would be served by detaining him in custody anymore. He has already undergone a period of about 01 year and 03 months in custody. The trial is not going to be concluded in near future. Each day spent by him in custody furnishes a new ground to him for grant of bail. It is, therefore, urged that he deserves to be released on bail.

3. Status report as well as short reply by way of affidavit showing latest medical condition of the petitioner has been placed on record. Learned State counsel has argued that this being the second petition for grant of regular bail, is not maintainable. It is further argued that the recovery effected from the petitioner was of commercial quantity of contraband. He is being taken to hospital as and when required and his medical condition is stable. It is, therefore, stressed that the petition does not deserve to be allowed.

4. This Court has heard the rival submissions made by learned counsel for the parties.

5. The petitioner along with the co-accused is alleged to have been found in conscious possession of commercial quantity of contraband. He has been continuously in custody since 02.02.2025. He is undisputedly suffering from Spastic Quadriplegia Cervical Cord Stenosis Myelo Malacia (C3-C4) with disability of 80%. This disease represents a progressive serious spectrum of cervical spinal cord damage and describes a condition where narrowing in the neck (Stenosis) causes severe compression, leading to structural damage and softening of spinal cord (Myelo Malacia), which results in muscle stiffness and weakness in all four limbs. This condition is

existing since long. Though, as per the medical report, general medical condition of the petitioner is stable and his vitals are within normal limits, however, nonetheless, it cannot be ignored that he is suffering from disability to the tune of 80% with the aforementioned symptoms. He has remained in custody for a period of about 01 year and 03 months. The trial is not likely to be concluded shortly. The Hon'ble Apex Court has observed in a catena of cases that an accused cannot be kept in custody for an indefinite period of time, and the bail application can be considered on its own merits even if it is filed repeatedly. It has also been held that every day spent in custody can provide a new cause of action for filing a bail application under certain circumstances. This principle is a part of the broader approach emphasizing that law prefers bail over jail, aiming to balance the right of the accused with the requirements of the criminal justice system.

6. Taking into consideration the above discussed facts and circumstances but without meaning to make any comment on the merits of the case, lest it prejudice the trial in any manner, the petition is allowed, and the petitioner is ordered to be released on bail subject to his furnishing personal as well as surety bonds to the satisfaction of the learned Chief Judicial Magistrate/trial Court/Duty Magistrate concerned.

7. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

30.03.2026*harjeet***(MANISHA BATRA)
JUDGE**

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No