

2026.PHHC.009814



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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-57407-2025
Date of Decision: 21.01.2026

Vikram Singh @ Vicky @ Kabbadi ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. Laghuinder Singh Sekhon, Advocate,
for the petitioner.

Mr. Gautam Thapar, Sr. DAG, Punjab.

AARADHNA SAWHNEY, J. (ORAL)

1. By virtue of the present 2nd petition under Section 483 BNSS, petitioner, an accused in case bearing FIR No.67 dated 25.05.2025 registered against him, for commission of offences punishable u/s 22 of Narcotic Drugs and Psychotropic Substances Act at Police Station Lahori Gate Patiala, District Patiala, has prayed for grant of bail.

2. Relevant facts emerging from documents on record be noticed hereinbelow:-

*On 25.05.2025 based on a chance recovery, Police team headed by ASI Tejinder Singh seized 10 grams of heroin (marginally more than small quantity) from illegal possession of **Vikram Singh @ Vicky @ Kabbadi (present petitioner)**. After the statutory formalities were complied with, FIR was lodged and petitioner was arrested on the same day.*

On culmination of investigation, challan was prepared and filed in the Court.

3. Petitioner-accused, who was arrested on 25.05.2025 moved an application for grant of bail before the learned Judge, Special Court, Patiala. The same was dismissed vide order dated 04.07.2025. Aggrieved of which, a petition i.e. CRM-M-38701-2025 was filed by him. The same was dismissed as withdrawn on 25.07.2025. As pointed earlier, this is the second petition for grant of bail.

4. Learned counsel for the petitioner contends that petitioner has been falsely implicated in the present case only on the basis of suspicion. No recovery was effected from him. In fact, he was picked up from his house by the police officials, who forcibly took him along with them on the pretext that his presence is needed in connection with investigation of some other case. However, on the following day, false recovery of 10 grams intoxicant powder was planted upon him. It is further the submission of learned counsel that falsity of the case set up by prosecution is apparent from the fact that even without the report of the FSL, proceedings were initiated on the ground that petitioner was caught red handed keeping in his illegal possession 10 grams of heroin. Statutory requirements were also not complied with by the Investigating Officer, who also did not apprise petitioner of his legal right u/s 50 of the NDPS Act. Further, despite the fact that petitioner was allegedly caught from public place, no efforts were made to join any independent person as a 'witness' to the case proceedings raising a serious doubt on the genuineness of the story put-forth by prosecution.

Learned counsel next contends that investigation in the present case is complete, for challan has already been filed. Thus, likelihood of completion of trial in the near future is quite remote. When viewed in the light of submissions advanced hereinabove, learned counsel contends that further incarceration of petitioner in custody, would not serve any useful purpose and

would also be violative of his Fundamental rights guaranteed under Article 21 of the Constitution of India. Learned counsel fairly concedes that petitioner has been convicted in one another criminal case FIR No.142 dated 05.08.2018 u/s 22 the NDPS Act, PS Lehra, Distt. Sangrur. Though appeal is pending before this Court. Based on the aforesaid submissions, it has been prayed to take lenient view in favour of petitioner, who has been in custody since 25.05.2025, by extending him the concession of bail. Prayer for allowing the petition has been made.

5. *Per contra*, learned State counsel has opposed the request for grant of bail pointing therein that in view of questionable past antecedents of petitioner, who has been convicted in one case of like nature, no case for taking lenient view in his favour is made out, for if extended the concession of bail, the likelihood of him committing the same offence yet again cannot be ruled out. That apart the possibility of him fleeing from the process of justice is quite high. Dismissal of the petition has been prayed for.

6. I have heard the learned counsel for the parties and have gone through the documents on record.

7. In view of the submissions advanced by learned counsel for the petitioner but without advertting to the merits of the case, the Court is of the opinion that further incarceration of petitioner would not serve any useful purpose, as the same, without the prospect of trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India, including right to speedy trial and would, thus, also be against the principle of “*Bail is a general rule and incarceration is an exception*” as held by Hon’ble Supreme Court in ***Dataram vs. State of Uttar Pradesh and another, 2018(2) R.C.R. (Criminal) 131.***

As regards the submission of learned State counsel with respect to

the questionable past antecedents of the petitioner is concerned, suffice it would be point out that as per settled law, bail application of the petitioner can solely not be rejected on the ground that he is involved in another case.

Resultantly, petitioner is granted the concession of bail subject to his furnishing bail/surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned. The petitioner shall abide by the following conditions:-

- (i) The petitioner shall not leave the country without prior permission of the trial Court and shall deposit the passport in the trial Court.*
- (ii) The petitioner will not tamper with the evidence during the trial.*
- (iii) The petitioner will not pressurize/ intimidate the prosecution witnesses.*
- (iv) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.*
- (v) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.*
- (vi) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.*
- (vii) The petitioner shall not in any manner misuse his liberty.*
- (viii) The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.*
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.*

8. Accordingly, the present petition is allowed and it is made clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

21.01.2026
Parveen kumar

(AARADHNA SAWHNEY)
JUDGE

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