



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

**CRM-M-52994-2025
Date of decision: 24.09.2025**

AMRITPAL SINGH @ BOBY

...PETITIONER

V/S

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Mr. L.S. Sekhon, Advocate for the petitioner.

SUBHAS MEHLA, J. (ORAL)

1. By way of the present petition, the petitioner is seeking regular bail in FIR No.08 dated 21.01.2025 under Sections 21 and 29 of NDPS Act, 1985 registered at Police Station Sadar Moga, District Moga.

2. Learned counsel for the petitioner contended that the petitioner is in custody in some other case since November, 2024 and the present FIR was registered in the month of January, 2025, as such, the petitioner was behind the bars when the present FIR was registered. Further, the petitioner was nominated as accused in this case only on the basis of disclosure statement of co-accused, which is inadmissible in the evidence. Except the disclosure statement, there is no evidence to connect the petitioner with the present FIR. Petitioner is in custody since 26.01.2025 i.e. for the last 08 months in the present case. As such, learned counsel prayed for grant of bail to the petitioner.

3. Notice of motion.

4. Mr. Subhash Godara, Addl. A.G. Punjab, accepted the 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 petitioner is involved in two more cases under the NDPS Act and he has played active role in commission of crime and operated from jail through a messenger.

5. Heard.

6. Keeping in view the facts and circumstances of the case and the fact that except disclosure statement of co-accused, there is no evidence to connect the petitioner with the alleged offence in the form of any call detail or transaction of money etc. The petitioner was in custody at the relevant period and allegation against the petitioner is of conspiracy; he is in custody since 26.01.2025 i.e. for the last 08 months in the present case; 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.

(SUBHAS MEHLA)
JUDGE

September 24, 2025

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- (i) Whether speaking/reasoned
(ii) Whether reportable

Yes/No
Yes/No