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**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND  
HARYANA AT CHANDIGARH**

**CRM-M-59283-2024 (O&M)  
Reserved on : 28.03.2025  
Pronounced on : 05.04.2025**

**Sukhwinder Singh @ Bobby**

**...Petitioner**

**Versus**

**State of Punjab**

**...Respondent**

**CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Abhaysher Singh, Advocate  
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

**MANISHA BATRA, J.**

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in case bearing FIR No. 158 dated 07.06.2021, registered under Sections 22 and 29 (added later on) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Sadar Fazilka, District Fazilka.

2. Brief facts of the case relevant for the disposal of the present petition are that on 07.06.2021, co-accused Gurmeet Singh, while coming on a motorcycle, was apprehended by the police party and recovery of 780 intoxicant tablets of Tramadol HCL and 240 tablets of Clonazepam was effected from him. During interrogation, the said co-accused disclosed that he had brought the recovered contraband from one Babby. On the basis of the same, the present petitioner was nominated as accused in this case, vide Rapat No. 36 dated 09.06.2021. Thereafter, vide Rapat No. 34 dated 18.10.2024, offence under Section 29 of the NDPS Act was added and the petitioner was arrested on

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05.09.2024.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. He is not involved in any other case and has clean antecedents. The above named co-accused had disclosed the name of one 'Babby' as supplier of the recovered contraband but the petitioner has been apprehended by the police party after a period of more than three years in the aid of Section 29 of the NDPS Act on the ground that he is above said 'Babby', whereas he is known as 'Bobby' along with his original name Sukhwinder Singh. It is further argued that no subsequent recovery has been effected from the petitioner. Main accused Gurmeet Singh is on bail. Even otherwise, challan has been presented. Trial is likely to take time. The petitioner is in custody since 05.09.2024. No useful purpose would be served by keeping him in custody anymore. It is, therefore, urged that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State. It is submitted therein and learned State counsel has argued that the petitioner is not entitled to get benefit of bail as he used to supply the contraband to the co-accused. Trial is going at a proper pace. It is, thus, argued that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

6. As per the allegations, co-accused Gurmeet Singh was apprehended by the police party on 07.06.2021 and recovery of aforementioned intoxicant tablets was effected from him. He had named one 'Babby' as the supplier of the recovered contraband. The petitioner has been nominated and arrested in this case in the aid of Section 29 of the NDPS Act on 05.09.2024 i.e. after over a

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period of three years on the ground that he is that 'Babby', who had been named by co-accused Gurmeet Singh, although the petitioner is claiming that he is a different person and is known as 'Bobby' and not as 'Babby'. The petitioner is not involved in any other case. Even no subsequent recovery of any contraband is shown to have been effected from him. It is a question of debate as to whether the petitioner is the same person, who had been named by co-accused Gurmeet Singh. Even otherwise, main accused himself is stated to be on bail. The trial is going on and would certainly take time to conclude. The petitioner is in custody since 05.09.2024. Keeping in view the period of incarceration of the petitioner, his clean antecedents and the attendant facts and circumstances of the case, I am of the considered opinion that no useful purpose would be served by keeping the petitioner in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

**05.04.2025**

*Waseem Ansari*

**(MANISHA BATRA)  
JUDGE**

*Whether speaking/reasoned  
Whether reportable*

*Yes/No  
Yes/No*