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CRM-M-11700-2026 (O&M) -1-

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

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**CRM-M-11700-2026 (O&M)
Decided on: 12.05.2026**

GURWINDER SINGH @ BABBU

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Mr. Himanshu Bansal, Advocate
for the petitioner.

SUBHAS MEHLA, J. (Oral)

1. This is the second petition which has been filed under Section 483 BNSS, 2023 seeking grant of regular bail to the petitioner in case bearing FIR No.124 dated 23.10.2021 under Sections 22(c) of NDPS Act, 1985, registered at Police Station Maur, District Bathinda.

2. Learned counsel for the petitioner contended that the petitioner was granted regular bail vide order dated 07.08.2023 passed by a Coordinate Bench of this Court in CRM-M-3528-2023 (Annexure P-2). However, during trial proceedings, the petitioner could not appear before the trial Court and subsequently, his bail was cancelled and his bail/surety bonds were forfeited to the State vide order dated 23.05.2024 passed by the trial Court (Annexure P-4). It is further contended that the petitioner was involved in some other case during the relevant time due to which the petitioner could not appear in the present case; the petitioner



has been in custody for the last six months; the trial will take sufficient time to conclude and no fruitful purpose would be served by keeping the petitioner behind the bars; the petitioner is ready to abide by any condition(s) as imposed by the Court. Hence prayer for grant of regular bail is made.

3. Notice of motion.

4. On advance notice, Mr. D.S. Malwai, Addl. A.G., Punjab, who is present in the Court, accepted notice on behalf of respondent-State and opposed the concession of regular bail to the petitioner and contended that the petitioner has intentionally misused the concession of bail and absented from the trial; the petitioner may flee from the process of justice, if released on bail again. It is further contended that the petitioner is involved in one more case and hence, prayed for dismissal of grant of concession of regular bail to the petitioner.

5. Heard.

6. Taking into consideration the facts & circumstances of the present case, the rival contentions of the parties & without commenting upon the merits of the present case, this Court finds merit in the present petition on the following aspects:

(I) the petitioner was granted bail on merits in this case but due to his non-appearance, the concession of bail so granted was cancelled and bail bonds/ surety bonds were forfeited to the State;

(II) he has been in custody for the last six months;



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(III) trial will take sufficient time to conclude; no useful purpose would be served by keeping him in custody for any further period.

7. Concession of bail cannot be denied just as a measure of punishment as culpability is to be decided by trial Court after appreciating evidence adduced by the parties, and it is a 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.

8. 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 *subject to imposing such conditions so as to secure the presence of the petitioner during the trial.*

(SUBHAS MEHLA)
JUDGE

12.05.2026

Sonia Puri

Whether Speaking/Reasoned: YES/NO
Whether Reportable: YES/NO