



CRM-M-12352-2025

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

CRM-M-12352-2025

Date of Decision: 25.08.2025

Vishaldeep Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. G.S.Kaura, Advocate, for the petitioner.

Ms. Simran Gorla, AAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Petitioner has approached by way of filing the present petition praying for grant of regular bail in case FIR No.51 dated 01.05.2024 under Section 25 of the Arms Act, Section 10, 11 and 12 of the Aircraft Act, 1934 (Sections 21C, 29/61/85 of NDPS Act added lateron), registered at Police Station Khalra, District Tarn Taran.

2. Succinctly the facts of the case are that on 01.05.2024, the police received a secret information to the effect that some objectionable material wrapped in an envelope was lying in the fields of Jaswant Singh S/o Jarnail Singh, resident of Kalsia. On receiving the secret information, raiding party was constituted and the same reached at the place disclosed, wherein a pistol wrapped with tape of yellow and white colour was found. On removing the tape, a pistol of brown colour was found on which 'Made in Austria' was written. The same was taken into possession. It was found that the pistol was called for by an unknown person from Pakistan and dropped at the place of occurrence through drone and thus, the FIR was registered for the offence under the Arms Act and Aircraft Act. On registration of the FIR,



investigation commenced. During the investigation, on the disclosure statement of co-accused complicity of the petitioner, namely, Vishaldeep Singh was established and resultantly, he was arrested on 18.05.2024 and 01 kg heroin alongwith 3500 US Dollors was recovered from him. Samples taken were sent to the FSL. The petitioner approached the learned Judge, Special Court, Tarn Taran for grant of bail, however, after hearing both the sides, the same was declined by the learned Judge, Special Court, Tarn Taran vide order dated 24.01.2025. Aggrieved by the same, the petitioner is before this Court by way of filing the present petition.

3. Learned counsel for the petitioner, at the outset, prays for the grant of bail to the petitioner on the basis of parity with that of the co-accused, namely, Jobanjit Singh @ Joban. He has drawn the attention of this Court to the order dated 19.08.2025 passed in **CRM-M-30186-2025**, whereby, co-accused Jobanjit Singh @ Joban has been granted regular bail by this Court. He submits that the petitioner is in custody since 18.05.2024. He submits that on the basis of the parity, the petitioner deserves to be granted bail as the case of the petitioner is similar to that of the said co-accused, who has already been granted bail.

4. Learned State counsel has endorsed the factum of grant of bail to the co-accused of the petitioner as stated above and has not denied that the petitioner is at par with the co-accused, namely, Jobanjit Singh @ Joban. However, she submits that recovery of 01 kg heroin was effected from the petitioner, which falls under the commercial quantity and thus, provisions of Section 37 of the NDPS Act are attracted. She has placed on record the custody certificate of the petitioner.



5. After hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner is behind bars since 18.05.2024. Co-accused, namely, Jobanjit Singh @ Joban is on bail and the case of the petitioner as stated is at par with him. Custody certificate of the petitioner shows that the petitioner has suffered incarceration of 01 year, 02 months & 28 days as on 24.08.2025. It further reflects that the petitioner is involved in one more case, however, he is on bail.

6. As held by the Hon'ble Supreme Court in ***Mohd Muslim @ Hussain Vs. State (NCT of Delhi), 2023 LiveLaw(SC)260***, this Court is of the opinion that the case of the petitioner is covered by the ratio of law laid down by the Hon'ble Supreme Court. In the abovesaid case Hon'ble Supreme Court expressed its views as under:-

19. A plain and literal interpretation of the conditions under Section 37 (i.e., that Court should be satisfied that the accused is not guilty and would not commit any offence) would effectively exclude grant of bail altogether, resulting in punitive detention and unsanctioned preventive detention as well. Therefore, the only manner in which such special conditions as enacted under Section 37 can be considered within constitutional parameters is where the court is reasonably satisfied on a prima facie look at the material on record (whenever the bail application is made) that the accused is not guilty. Any other interpretation, would result in complete denial of the bail to a person accused of offences such as those enacted under Section 37 of the NDPS Act.
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21it would be important to reflect that laws which impose stringent conditions for grant of bail, may be necessary in public interest; yet, if trials are not concluded in time, the injustice wrecked on the individual is immeasurable.



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23. There is a further danger of the prisoner turning to crime, “as crime not only turns admirable, but the more professional the crime, more honour is paid to the criminal”²² (also see Donald Clemmer’s ‘The Prison Community’ published in 1940²³). Incarceration has further deleterious effects - where the accused belongs to the weakest economic strata: immediate loss of livelihood, and in several cases, scattering of families as well as loss of family bonds and alienation from society. The courts therefore, have to be sensitive to these aspects (because in the event of an acquittal, the loss to the accused is irreparable), and ensure that trials – especially in cases, where special laws enact stringent provisions, are taken up and concluded speedily.’

7. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner on the basis of parity. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

8. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

25.08.2025
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Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No