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

CRM-M-15207-2025

Date of decision : 02.12.2025

Rashpal Singh**....Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Swarn Tiwana, Advocate
for the petitioner.

Mr. Amit Kumar Goel, A.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed for grant of regular bail in case FIR No.140 dated 04.12.2023 under Sections 22-C, 29, 61, 85 of NDPS Act, registered at Police Station D Division, District Amritsar.
2. Succinctly the facts of the case are that the Police party while on patrolling on 04.12.2023 received a secret information to the effect that Prince Kumar @ Rajan and Baljinder Singh were involved in selling of intoxicating substances. It was informed that they would come on their Activa bearing No.PB-02-DR-5058 from Bhandari Pul to Railway Station and if barricading is laid, they could be apprehended along with the contraband. On receiving the information, a raiding team was constituted and the barricading was laid at the place as disclosed by the informer. As informed, an Activa was seen coming and the same was stopped. On asking, the driver of the activa disclosed his name to be Prince Kumar @



Rajan and pillion rider told his name to be Baljinder Singh. They were suspected to be carrying some contraband and on conducting the search, 14500 intoxicant tablets were recovered. They failed to produce any licence regarding the conscious possession of the same and thus, FIR was registered and they were arrested on the spot. On registration of FIR, the investigation commenced. On completion of investigation, challan presented, charges were framed and learned trial Court commenced the trial. During investigation, name of the petitioner surfaced on the basis of disclosure statement of the co-accused. Resultantly, he was also arrested on 24.08.2024. The petitioner approached the Learned Judge, Special Court, Amritsar praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned Judge, Special Court, Amritsar vide order dated 01.02.2025. Aggrieved by the same, the petitioner is before this Court by way of filing of present petition for grant of bail.

3. Learned counsel for the petitioner, at the outset, prays for the grant of bail on the basis of parity with that of the co-accused. He submits that the petitioner has been falsely and frivolously implicated in the present case on the basis disclosure statement of co-accused, which is not even an admissible evidence. He has drawn the attention of this Court to the orders dated 16.07.2025 and 03.09.2025 passed by this Court in **CRM-M-25130-2025 and CRM-M-47926-2025**, respectively, whereby co-accused of the petitioner, namely, Baljinder Singh and Prince Kumar @ Rajan, have been granted the concession of bail. He has submitted that case of the petitioner is even on better footing than that of the co-accused, who have been granted bail by this Court. He submits that on the basis of

the parity, petitioner deserves to be granted bail.



4. Per contra, learned State counsel has opposed the submissions made by the counsel for the petitioner. However, he endorsed the fact that case of the petitioner is at parity with that of co-accused, namely, Baljinder Singh and Prince Kumar @ Rajan, who have been granted bail by this Court. He has submitted that the recovery effected in the present case is 14500 intoxicating tablets containing Tramadol, which is a commercial quantity and thus, provisions of Section 37 of NDPS Act, are attracted in the present case. He has placed on record the custody certificate of the petitioner.

5. On hearing counsel for the parties and perusing the record, it is deciphered that the petitioner in the present case was arrayed as an accused on the basis of disclosure statement of the co-accused. Admittedly, co-accused of the petitioner, namely, Baljinder Singh and Prince Kumar @ Rajan, have already been granted bail by this Court vide orders dated 16.07.2025 and 03.09.2025 passed by this Court in **CRM-M-25130-2025 and CRM-M-47926-2025**, respectively. As per custody certificate, the petitioner has suffered an incarceration of 01 year, 03 months and 04 days as on 01.12.2025. It further reflects that the petitioner is involved in 03 more cases, however, in 02 cases he is on bail.

6. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court.

7. In view of the facts and circumstances of the present case, this Court cannot ignore the fact that the speedy trial is the fundamental right of every accused. 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:-

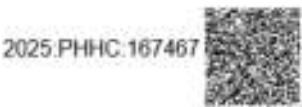
19. A plain and literal interpretation of the conditions under Section 37 (i.e., that Court should be satisfied that the accused is not guilty and would not commit any offence) would effectively exclude grant of bail altogether, resulting in punitive detention and unsanctioned preventive detention as 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.

20. xxxxx

21.it 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.

22. xxxxx

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.



8. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Thus, 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.

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

10. In case the bail bonds are not furnished by the petitioner during the period of 07 days from today, then his further custody period after one week will not be counted in the present case.

02.12.2025
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(**RAJESH BHARDWAJ**)
JUDGE

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