

CRM-M-23282-2025

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

CRM-M-23282-2025 (O&M)

Date of Decision: 19.11.2025

Sunil Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Ms.Riffi Birla, Advocate, for the petitioner.

Ms. Simran Gorla, AAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)**CRM-17556-2025**

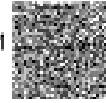
Allowed as prayed for.

Main case

1. Petitioner has approached by way of filing the present petition praying for grant of regular bail in case FIR No.83 dated 28.06.2023 under Sections 22(C)/29 of NDPS Act, 1985 registered at Police Station Khuian Sarwar, District Fazilka.

2. Succinctly facts of the present case are that on suspicion, the police party apprehended two persons on 28.06.2023. On asking, they disclosed their names to be Sunil Singh (petitioner) and Dalip Singh @ Deepa. Offer for their search was given to them and their search was conducted. On conducting search, 7300 tablets including 4400 tablets of Tramadol and 2900 tablets of Alprazolam were recovered from the petitioner and equal recovery was effected from the co-accused Dalip Singh @ Deepa. They failed to produce any license regarding possession of the same and hence, the FIR was registered and they were arrested on spot.

Samples taken were sent to the FSL and on receipt of the FSL report, the

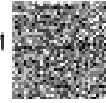


challan was presented and on framing of charges, the trial commenced. The petitioner approached learned Judge, Special Court, Fazilka praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides vide order dated 11.01.2024. Aggrieved by the same, the petitioner approached this Court praying for grant of bail by way of 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, Dalip Singh @ Deepa. She has drawn the attention of this Court to the order dated 22.05.2025, passed in **CRM-M-61680-2024**, whereby, co-accused Dalip Singh @ Deepa has been granted regular bail by this Court. She has submitted that though the petitioner is involved in four other cases, however, in one case he has been acquitted. She submits that the petitioner is behind bars since 28.06.2023. She 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, Dalip Singh @ Deepa. 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 28.06.2023. Co-accused, namely, Dalip Singh @ Deepa is on bail and the case of the petitioner as stated is at par with him. Custody certificate of the petitioner



would reveal that the petitioner has suffered an incarceration of 02 years, 04 months & 14 days as on 17.11.2025. It further reveals that the petitioner is involved in other cases, however, in one case he has been acquitted and in rest of the cases, 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.

19.11.2025

sharmila

(RAJESH BHARDWAJ)

JUDGE

Whether Speaking/Reasoned :

Whether Reportable :

Yes/No

Yes/No