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

CRM-M-40616-2025

Date of Decision: 28.11.2025

Amritpal Singh @ Arman @ Aman

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

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

Mr.Raj Karan Singh, 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.25 dated 15.04.2024 under Sections 22/29 of NDPS, 1985, registered at Police Station Lambra, District Jalandhar.

2. Succinctly, facts of the case are that on 15.04.2024, the police party while on patrolling, saw a motorcycle coming, on which three persons were riding. On seeing the police, they got perplexed and tried to take U-turn but in the process they fell down. On suspicion, they were apprehended. On asking, the rider of the motorcycle disclosed his name to be Yuvraj Singh, the person sitting behind told his name to be Balkar Singh @ Gora and the person sitting at the end, disclosed his name to be Amritpal Singh @ Aman (petitioner). They were given offer for search. They posed full faith in the police party. On conducting search of pocket of trouser of Yuvraj Singh, 300



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intoxicant tablets were recovered. They failed to produce any licence regarding possession of the same and thus, on the registration of the FIR, they were arrested on the spot. The samples taken were sent to the FSL. On receipt of the FSL report, challan was presented and on framing of charges, trial commenced. The petitioner approached the Court of learned Judge, Special Court-cum-Vacation Judge, Jalandhar praying for grant of regular bail. However, after hearing both the sides, the learned trial Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 12.06.2024. Aggrieved by the same, petitioner earlier approached this Court by way of filing of CRM-M-58921-2024, however, the same was dismissed as not pressed on 10.12.2024. Hence, the petitioner has approached this Court praying for grant of regular bail by way of filing the present second 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, Balkar Singh. He has drawn the attention of this Court to the order dated 19.08.2025, passed in **CRM-M-43663-2025**, whereby, co-accused Balkar Singh has been granted regular bail by this Court. He submits that the petitioner is behind bars since 15.04.2024. 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, Balkar Singh. He has



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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 15.04.2024. Co-accused, namely, Balkar Singh 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 01 year, 07 months & 09 days as on 26.11.2025. It further reveals that the petitioner is not involved in any other case.

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. 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. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, 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.

8. 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.

(RAJESH BHARDWAJ)
JUDGE

28.11.2025

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