



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

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CRM-M-51678-2024

Date of Decision: 28.10.2025

Parwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**Present:** Mr. Rajesh Bhatheja, Advocate for the petitioner.

Mr. J.S. Arora, D.A.G., Punjab.

RAJESH BHARDWAJ, J. (ORAL)

1. Present petition has been filed for grant of regular bail in case FIR No.079 dated 27.07.2024 under Sections 15, 61, 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Shambu, District Patiala.

2. Succinctly, facts of the case are that the police party received a secret information to the effect that Deep Kumar along with Parwinder Singh @ Gurditta (present petitioner), are involved in smuggling of poppy husk. They would be coming in their truck/container No.PB10-JD-6189 from Ambala side towards Ludhiana along with large quantity of contraband (poppy husk) and if the barricading is laid, they could be arrested along with the contraband. On receiving the secret information, a raiding team was constituted and barricading was laid. Thereafter, the police party saw a truck coming, as disclosed and the same was stopped. The driver of the truck, on asking, disclosed his name as Deep Kumar and the person sitting along with him disclosed his name as Parwinder Singh alias Gurditta. They were suspected to be carrying some contraband. They were given the offer of search.

Thus, their personal search and that of the truck was conducted and three



plastic bags, each weighing 20 kgs. of poppy husk, total 60 kgs. of poppy husk were recovered. They failed to produce any license regarding the possession of the same and thus, the FIR was registered and they were arrested on the spot. The investigation commenced. Samples taken were sent to the FSL. On the receipt of the FSL report, challan was presented, charges were framed and the trial commenced. The petitioner approached the learned Special Court at Patiala, praying for grant of bail. However, on hearing, the same was declined vide order dated 23.09.2024. Hence, 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 on the basis of parity with that of the co-accused. He has drawn the attention of this Court to the order passed by this Court in **CRM-M-45016-2025** dated 25.08.2025 whereby co-accused of the petitioner, namely, Deepak Bhatia @ Deep Kumar, has been granted the concession of bail. He has submitted that case of the petitioner is at par with the co-accused, who has been granted bail by this Court. He submits that on the basis of the parity, petitioner deserves to be granted bail as case of the petitioner is similar to that of the co-accused, who has already been granted bail.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. He has submitted that recovery of 60 kgs of poppy husk was effected from the truck in which petitioner was travelling. He further submitted that the recovery which was effected, falls under the commercial quantity and hence, provisions of Section 37 of the NDPS Act are attracted. He endorsed the fact that the case of petitioner is at par with co-accused, namely, Deepak Bhatia @ Deep Kumar, who has already been granted bail by this Court. He has placed on record custody certificate of the petitioner today in the Court and the same is taken on record.



5. After hearing counsel for the parties and perusing the record, it is deciphered that the case of the prosecution is based on a secret information. The custody certificate would show that the petitioner has suffered incarceration of 01 year, 02 months and 24 days as on 27.10.2025. It further reflects that the petitioner has no criminal antecedents. Admittedly, co-accused of the petitioner, namely, Deepak Bhatia @ Deep Kumar, has already been granted bail by the Court vide common order dated 25.08.2025 passed in CRM-M-45016-2025.

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. Thus, keeping in view the arguments raised by both the sides, this Court is of the opinion that learned counsel for the petitioner succeed in making out a case for grant of regular bail to the petitioner.

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.

28.10.2025

ps-I

(RAJESH BHARDWAJ)
JUDGE

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