



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

CRM-M-53930-2025

Date of decision :29.09.2025

Rahul Gill

....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Sumit Dua, Advocate for the petitioner.

Mr. Raj Karan Singh, A.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present second petition has been filed for grant of regular bail in case FIR No.92 dated 28.08.2024 under Sections 109, 132, 221, 3(5) of BNS and Section 25, 27 of Arms Act and Section 21, 29 of NDPS Act added later on, registered at Police Station Division No.4, District Jalandhar.

2. Succinctly the facts of the case are that the Police party while on patrolling on 28.08.2024 saw 04 persons were standing near park with their activa scooters. On suspicion, the police party tried to apprehend them, however, one of them started firing at the police party. Three of them managed to escape from the spot, while one was apprehended and he, on asking, disclosed his name as Naveen Kumar @ Kaka. Thus, the FIR was registered and he was arrested on spot. On registration of FIR, the investigation commenced. During investigation, complicity of the petitioner surfaced and thus, he was also arrayed as an accused in the present petition. Resultantly, he was arrested on 03.09.2024. On completion of investigation, trial commenced and the learned trial Court framed the charges. The petitioner approached the Learned Judge, Special



Court, Jalandhar praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned Judge, Special Court, Jalandhar vide order dated 20.11.2024. Aggrieved by the same, the petitioner earlier approached this Court by way of filing of CRM-M-27318-2025 but the same was dismissed as withdrawn on 23.05.2025. Hence, the petitioner is before this Court by way of filing of present second 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 has drawn the attention of this Court to the order passed by this Court in **CRM-M-51303-2025** dated 17.09.2025 whereby co-accused of the petitioner, namely, Anshu, 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 the counsel for the petitioner and submits that the petitioner was along with the co-accused, on whose disclosure, 01 kg heroin was recovered. He submits that the recovery effected falls under the commercial quantity and thus, provisions of Section 37 of NDPS Act, are attracted in the present case. However, he endorsed the fact that the case of petitioner is at par with co-accused, namely, Anshu, 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,



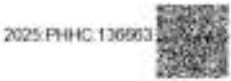
it is deciphered that the allegation of firing at the Police party is also against the co-accused. As per custody certificate, the petitioner has suffered an incarceration of 01 year and 23 days as on 28.09.2025. Admittedly, co-accused of the petitioner, namely, Anshu, has already been granted bail by the Court vide order dated 17.09.2025 passed in **CRM-M-51303-2025**.

6. 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.*

7. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court.
8. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides and perusing the record, the Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for the grant of bail 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. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

29.09.2025
ps-I

(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No