



CRM-M-54311-2025

-1-

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

CRM-M-54311-2025

Date of Decision: 18.11.2025

Prabhjot Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Ankit Rana, 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.102 dated 28.06.2025 under Sections 21, 27-A, 61, 85 of NDPS Act, registered at Police Station Machhiwara, Ludhiana.

2. Succinctly the facts of the case are that on 28.06.2025, the police party while on patrolling checking the suspicious persons and it reached the house of Jagtar Singh. An elderly woman opened the gate of the house and on asking, she disclosed her name as Beant Kaur, w/o Jagtar Singh. Two more persons were also sitting in their respective rooms of the house. On asking, they disclosed their names to be Navjot Singh @ Navi and Prabhjot Singh (petitioner). Thereafter, in the presence of the member of the Panchayat, search of the house was conducted. On conducting searching, 05 grams of heroin was recovered from Beant Kaur, 20 grams of heroin alongwith Rs.50,000/- as drug money was recovered from Navjot Singh @ Navi and 05 grams of heroin alongwith Rs.40,000/- as drug money was recovered from the petitioner, i.e. Prabhjot Singh. They failed to produce any licence regarding the conscious possession of the same, thus, the FIR



was registered and all were arrested on the spot. On registration of the FIR, the investigation commenced. The samples taken were sent to the FSL. The petitioner approached the Court of learned Additional Sessions Judge, Ludhiana praying for grant of bail, however, after hearing both the sides and finding no merit in the same, learned Court declined the bail application filed by the petitioner vide order dated 15.09.2025. Hence being aggrieved, the petitioner is before this Court praying for the grant of bail by way of filing the 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, Beant Kaur. He has drawn the attention of this Court to the order dated 03.09.2025, passed in **CRM-M-47695-2025**, whereby, co-accused Beant Kaur has been granted regular bail by this Court. He submits that the petitioner is behind bars since 28.06.2025. 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, Beant Kaur. He 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 28.06.2025. Co-accused, namely, Beant Kaur is on bail and the case of the petitioner as stated is at par with her. Custody certificate of the petitioner would show



that he has suffered an incarceration of 04 months & 17 days as on 17.11.2025. It further shows that the petitioner has no criminal antecedents.

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



CRM-M-54311-2025

-4-

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.

(RAJESH BHARDWAJ)
JUDGE

18.11.2025

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