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

**CRM-M No.56578 of 2025
Date of Decision: 12.12.2025**

Jagroop Singh @ Roop

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. H.S. Rakhra, Advocate
for the petitioner.

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

RAJESH BHARDWAJ, J. (ORAL)

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.275, dated 24.12.2023, under Sections 21/21-C/29 of NDPS Act, 1985, registered at Police Station Maqboolpura, District Amritsar.

2. Succinctly the facts of the case are that on 24.12.2023, the police party while on patrolling, received a secret information to the effect that Jagroop Singh (petitioner), Harpreet Singh alias Harsh and Sanamdeep Singh are involved in smuggling of heroin. It was informed that they would be waiting for someone to supply the consignment of heroin on an Activa bearing registration number PB-02-DW-8197 on the road going towards Shri Chand Gurudwara Sahib and in case of raid, they could be apprehended along with the contraband. On receiving the



secret information, a raiding party was constituted and reached at the place disclosed, where the persons as disclosed were found waiting and they were apprehended. On asking, they disclosed their names to be Jagroop Singh (petitioner), Harpreet Singh alias Harsh and Sanamdeep Singh. They were suspected to be carrying some contraband and thus, their search was conducted. On conducting the search of Jagroop Singh (petitioner) 260 grams of heroin was recovered whereas from Harpreet Singh alias Harsh, 290 grams of heroin was recovered. 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. On receiving the FSL report, the challan was presented and on framing of charges, the trial commenced. The petitioner approached the Court of learned Judge, Special Court, Amritsar praying for grant of regular bail. However, after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Amritsar, dismissed the bail application filed by the petitioner vide order dated 13.02.2025. Hence being aggrieved, the petitioner has approached this Court praying for 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 on the basis of parity with that of the co-accused. He has drawn the attention of this Court to the order dated 16.09.2025 passed by this Court in **CRM-M-49589-2025**, whereby co-accused of the petitioner, namely, Harpreet Singh @ Harsh, has been granted the concession of bail. 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 petitioners. He endorsed the fact that case of the petitioner is at par with co-accused, namely, Harpreet Singh @ Harsh, who has already been granted bail by this Court. He has produced the 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 present FIR has been lodged on the basis of the secret information. The contraband recovered from the petitioner is 260 grams of heroin, however, the recovery effected in the present case is 550 grams of heroin, which falls under the category of commercial quantity. As per the custody certificate, the petitioner has completed an incarceration of 01 year, 11 months and 12 days as on 11.12.2025. It further reflects that the petitioner is not involved in other case. Admittedly, co-accused of the petitioner, namely, Harpreet Singh @ Harsh, has already been granted bail by this Court vide order dated 16.09.2025 passed in **CRM-M-49589-2025**.

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 succeeds in making out a case for grant of regular bail to the petitioner on 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.

9. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

12.12.2025

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(RAJESH BHARDWAJ)
JUDGE

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