



CRM-M-65838-2025

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

CRM-M-65838-2025

Date of Decision: 28.11.2025

Rajbir Singh @ Raju

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Raghav Soni, 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.89 dated 21.05.2024 under Sections 18, 29, 18-C, 27-A, 61, 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Gate Hakima, District Amritsar.

2. Succinctly the facts of the case are that on 21.05.2024, the police party while on patrolling, received a secret information to the effect that Sarbjit Singh @ Raju and Rajbir Singh @ Raju (petitioner) were involved in selling of opium. It was informed that on procuring the consignment, they would supply the same in Amritsar and different cities of Punjab and in case of raid, they could be arrested along with the contraband. On receiving the secret information, the raiding party was constituted and barricading was done. A motorcycle was seen coming, on which two persons were sitting. They were stopped. On asking, the rider of the motorcycle disclosed his name to be Sarbjit Singh @ Raju and the pillion rider disclosed his name to be Rajbir Singh @ Raju (petitioner). They were suspected to be carrying some contraband, thus, search was conducted. On conducting the search of the bag which was hanging on the front side of the motorcycle, 03



kgs of opium along with Rs.18 lacs drug money, was recovered. So far, from the bag, being carried by the pillion rider, 02 kgs of opium was recovered. Thus, total recovery of 05 kgs of opium was effected. They failed to produce any licence regarding possession of the same. Thus, FIR was registered and they were arrested on the spot. On registration of FIR, the investigation commenced. Samples taken were sent to the FSL. On receiving the FSL report, challan was presented. On framing the charges, trial commenced. The petitioner approached the learned Judge, Special Court, Amritsar for grant of bail, however, after hearing both the sides, the same was declined by the trial Court vide order dated 04.06.2025. Aggrieved by the same, the petitioner earlier approached this Court by way of filing of CRM-M-41496-2025 which was dismissed as not pressed vide order dated 08.08.2025. Hence, the petitioner is before this Court 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, Sarbjit Singh @ Sarbjit Singh @ Raju. He has drawn the attention of this Court to the order dated 13.10.2025 passed in **CRM-M-55718-2025**, whereby, co-accused Sarbjit Singh @ Sarbjit Singh @ Raju has been granted regular bail by this Court. He submits that the petitioner is behind bars since 21.05.2024. 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, Sarbjit Singh @ Sarbjit



Singh @ Raju. 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 21.05.2024. Co-accused, namely, Sarbjit Singh @ Sarbjit Singh @ Raju is on bail and the case of the petitioner as stated is at par with him. Custody certificate of the petitioner shows that the petitioner has suffered incarceration of 01 year, 05 months & 29 days as on 27.11.2025. It further reflects that the petitioner is involved in one more case, however, he is on bail in the same.

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. 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

28.11.2025

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