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

CRM-M-69166-2025

Date of decision: 12.12.2025

RAJU SINGH**...PETITIONER****VERSUS****STATE OF PUNJAB****...RESPONDENT****CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. Munish Raj Chaudhary, 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.94 dated 09.03.2024 under Sections 22 and 29 of NDPS Act and Section 482 of IPC, registered at Police Station City Barnala.

2. Succinctly the facts of the case are that on 09.03.2024, the police party while on patrolling, received a secret information to the effect that Vijay Kumar, Raju (present petitioner), Darshan Singh @ Vicky and Jaswinder Singh @ Binder were involved in sale of narcotic pills. It was informed that all these 04 persons were waiting behind the trucks under the shed built at Anaj Mandi Barnala and if raid is conducted, they could be arrested along with the contraband. On receiving the information, the raiding party was constituted and they reached at the place as informed. The persons as informed, were found present at the place disclosed. They were apprehended and on asking they disclosed their names as disclosed by the secret informer. They were suspected to be carrying some contraband in the bag which they were carrying on their

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motorcycle and the same was searched. On conducting the search, 410 loose narcotic tablets of Etizolam were recovered from the same. They failed to produce any licence regarding the possession of the same and thus, they all were arrested on the spot. On registration of FIR, investigation commenced. Samples taken from the contraband were sent to FSL. As per the FSL report, 410 tablets which were recovered, weighing 52.48 grams of Etizolam. On completion of investigation, challan was filed and on framing of charges, the trial Court commenced with the trial. The petitioner approached the learned Judge, Special Court, Barnala for grant of bail, however, after hearing both the sides, the same was declined by the learned Judge, Special Court, Barnala vide order dated 27.10.2025. Aggrieved by the same, 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 to the petitioner on the basis of parity with that of the co-accused, namely, Darshan Singh @ Vicky. He has drawn the attention of this Court to the order dated 11.08.2025, passed in CRM-M-42547-2025 (Annexure P-3), whereby, co-accused Darshan Singh @ Vicky has been granted regular bail by this Court. He submits that the petitioner is behind bars since 09.03.2024. 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, Darshan Singh @ Vicky. On instructions, he has submitted that investigation is complete and the challan has already been



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5. After hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner is behind bars since 09.03.2024. Co-accused, namely, Darshan Singh @ Vicky is on bail and the case of the petitioner as stated is at par with him. As submitted before this Court, the petitioner has completed incarceration of 01 year and 09 months and 02 days as on 11.12.2025 and however, he has been acquitted in one, discharged in another, is on bail in one case, and has already undergone the sentence in the remaining case.

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 petitioners are 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. 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.

12.12.2025
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(RAJESH BHARDWAJ)
JUDGE

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