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

CRM-M-70968-2025

Date of decision: 22.12.2025

NAVDEEP SINGH @ JOBAN

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Karandeep Singh Sidhu, Advocate for the petitioner.

Mr. Raj Karan Singh, AAG, Punjab.

RAJESH BHARDWAJ, J. (ORAL)

1. Present petition has been filed for grant of regular bail in case FIR No.0010 dated 17.01.2025, under Sections 21(c)/29/61/85 of Narcotic Drugs and Psychotropic Substances Act, 1985 and Sections 25/27/54/59 of Arms Act, registered at Police Station Sultanpur Lodhi, District Kapurthala.

2. Succinctly, the facts of the present case are that the police party, while on patrolling on 17.01.2025, saw two young persons coming on the motorcycle. On seeing the police, they got perplexed and tried to escape. Both of them threw transparent polythene pouches on the ground after taking them out from their respective pockets. On suspicion, they were apprehended and on asking, the driver of the motorcycle disclosed his name to be Navdeep Singh @ Joban (present petitioner) and the pillion rider disclosed his name to be Jaskaran Singh @ Karan. They were suspected to be carrying some contraband in the polythene pouches thrown by them and thus, search of the same were conducted. On conducting the search of the pouches, 250 grams of heroin was recovered from each pouch. On conducting the search of the co-accused, namely, Jaskaran Singh

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@ Karan, 01 country made pistol and 05 live cartridges were also recovered. They failed to produce any licence regarding the conscious possession of the contraband and the weapons recovered. Thus, FIR was registered and both were arrested on the spot. On registration of the FIR, the investigation commenced. Samples taken were sent to the FSL. On receipt of FSL report, challan was presented. On framing of charges, trial commenced. The petitioner approached the Learned Judge, Special Court, Kapurthala praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned Judge, Special Court, Kapurthala vide order dated 04.11.2025. Aggrieved by the same, the petitioner is before this Court by way of filing of present petition for grant of bail.

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, Jaskaran Singh @ Karan. He has drawn the attention of this Court to the order dated 01.12.2025 passed in CRM-M-65968-2025 (Annexure P-3), whereby, co-accused Jaskaran Singh @ Karan has been granted regular bail by this Court. He submits that the petitioner is behind bars since 17.01.2025. 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, Jaskaran Singh @ Karan. On instructions, he has submitted that investigation is complete and the challan has already been presented.



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is deciphered that the petitioner is behind bars since 07.01.2025. Co-accused, namely, Jaskaran Singh @ Karan 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 more than 11 months as on 12.12.2025 and he is not involved in any other 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.

22.12.2025
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(RAJESH BHARDWAJ)
JUDGE

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