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

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Date of decision: 24.12.2025

RAJBIR @ RAJBIR SINGH**...PETITIONER****VERSUS****STATE OF U.T.CHANDIGARH****...RESPONDENT****CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. Puneet Pali, Advocate for the petitioner.

Mr. Rajesh K. Sheoran, Addl. PP for UT, Chandigarh.

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.11 dated 15.02.2025 under Sections 21, 22 and 29 of NDPS Act, 1985, registered at Police Station Mani Majra, Chandigarh.

2. Succinctly the facts of the case are that on 15.02.2025, the police received a secret information to the effect that some persons are selling contraband near Fauji Dhaba, Manimajra. On receiving the same, police reached the location as disclosed and they found three boys standing there and they were suspected to be carrying contraband. Thus, they were apprehended and on asking, they disclosed their identities to be as Rajbir Singh (present petitioner), Sandeep @ Sandeep Kumar, and Ramkrishan. On giving the offer, their search was conducted. During the search of Ramkrishan, 20.50 grams of heroin from pocket of his trouser was recovered. Similarly, 50.74 grams of heroin was recovered from Rajbir Singh (present petitioner) and 18.43 grams of heroin was recovered from Sandeep @ Sandeep Kumar. They failed to produce any license regarding

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the possession of the same and were arrested at the spot. FIR got registered and investigation commenced. The samples taken sent to the FSL. On completion of the investigation, the challan was presented and on framing of charges, trial commenced. Petitioner approached the learned Judge, Special Court, Chandigarh for grant of bail. However, after hearing both the sides and finding no merit in the same, the learned Judge Special Court, Chandigarh declined the bail application vide order dated 09.12.2025. Aggrieved by the same, petitioner is before this Court praying for the grant of bail by way of filing the present petitions.

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, Ram Krishan and Sandeep @ Sandeep Kumar. He has drawn the attention of this Court to the order dated 20.11.2025, passed in CRM-M-62953-2025 and CRM-M-38948-2025, whereby, co-accused Ram Krishan and Sandeep @ Sandeep Kumar, respectively have been granted regular bail by this Court. He submits that the petitioner is behind bars since 15.02.2025. 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 have 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, Ram Krishan and Sandeep @ Sandeep Kumar. He further submits that the recovery of 20.50 grams, 50.74 grams and 18.43 grams of Heroin was effected from the petitioner(s), however, the total quantity recovered from all the three accused is 89.67 grams of Heroin which is



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attracted. He has produced custody certificate of the petitioner today in the Court and the same is taken on record.

5. After hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner is behind bars since 15.02.2025. The recovery effected from the petitioner is 50.74 grams of heroin. Admittedly, the quantity recovered from the petitioner is a non-commercial quantity, however, the total quantity recovered from all the three accused is 89.67 grams of Heroin which is admittedly a commercial quantity as per schedule provided under NDPS Act. Co-accused, namely, Ram Krishan and Sandeep @ Sandeep Kumar are 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 about 10 months and 09 days as on 23.12.2025 and he is involved in one more 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 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.



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.

24.12.2025
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(RAJESH BHARDWAJ)
JUDGE

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