



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

**CRM-M-3649-2026
Date of Decision: 23.04.2026**

Malkit Singh @ Tunda

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Raghav Soni, Advocate and Mr. Manish Kansra, Advocate
for the petitioner.

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

RAJESH BHARDWAJ, J. (ORAL)

1. Present petition has been filed for grant of regular bail to the petitioner in case FIR No.21 dated 02.03.2025, under Sections 21(c), 27, 29, 61, 85 of NDPS Act, 1985 and Sections 111(2), 111(3), 111(4) of BNS, 2023, registered at Police Station Sadar, District Amritsar.

2. Succinctly, facts of the case are that on 02.03.2025, the police party while on patrolling, saw a person coming on motorcycle, who on seeing the police got perplexed and tried to turn his motorcycle. He was also trying to throw a polythene bag taking it out from right pocket of his lower. However, he was apprehended and on asking, he disclosed his name to be Sukhwinder Singh son of Dalbir Singh. He was suspected to be carrying some contraband and thus, search was conducted. On conducting search of the polythene bag, 265 grams of heroin and Rs.4,500/- as drug money were recovered. He failed to produce any licence regarding the possession of the same and thus, he was arrested on the spot. On the registration of the FIR, the investigation commenced. During the investigation, he made a disclosure statement about the complicity of the present petitioner. Thus, petitioner was arrayed as



accused and resultantly, arrested on 06.03.2025. The petitioner approached the Court of learned Judge Special Court, Amritsar praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 21.11.2025. Hence, petitioner is before this Court praying for grant of regular 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 common order dated 03.11.2025 passed by this Court in **CRM-M-45280-2025** and **CRM-M-49383-2025**, whereby co-accused of the petitioner, namely, Jatinder Yadav @ Ganja and Preeti, have been granted the concession of regular bail. He has submitted that case of the petitioner is at par with that of the co-accused, who have been granted regular bail by this Court. 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 have already been granted regular bail.

4. Per contra, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner. He submits that complicity of the petitioner has been established during the investigation. He submits that recovery effected from the co-accused is a commercial quantity and thus, provisions of Section 37 of the NDPS Act are attracted. However, he endorsed the fact that case of the petitioner is at par with co-accused, namely, Jatinder Yadav @ Ganja and Preeti, have already been granted regular bail by this Court.

5. After hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner has been arrested on 06.03.2025. The alleged recovery of 265 grams of heroin and Rs.4,500/- as drug money has



been effected from co-accused Sukhwinder Singh. The petitioner was arrayed as accused on the basis of disclosure statement. Admittedly, co-accused of the petitioner, namely, Jatinder Yadav @ Ganja and Preeti, have already been granted regular bail by this Court vide order dated 03.11.2025.

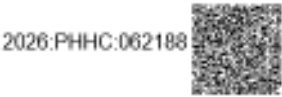
6. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court.

7. In view of the facts and circumstances of the present case, this Court cannot ignore the fact that the speedy trial is the fundamental right of every accused. 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.*

8. 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 the basis of parity.

9. Accordingly, the present petition is allowed and petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

10. In case the bail bonds are not furnished by the petitioner during the period of 07 days from today, then his further custody period after one week will not be counted in the present case.

23.04.2026
ps-I

(RAJESH BHARDWAJ)
JUDGE

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