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

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Date of decision: 04.02.2026

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

Present: Mr. Randeep Singh Waraich, Advocate for the petitioner.

Ms. Ramta Chowdhary, DAG, Punjab.

RAJESH BHARDWAJ, J. (ORAL)

1. Prayer in the present petition is for grant of regular bail to the petitioner in a case FIR No.297 dated 26.09.2023, registered under Sections 21, 29 of NDPS Act, 1985 (Sections 21-C and 27 of the NDPS Act added lateron), at Police Station Special Task Force, SAS Nagar, District SAS Nagar.
2. Succinctly, facts of the case are that on 26.09.2023, the police party while on patrolling received a secret information to the effect that Kuldeep Singh @ Babbu (present petitioner) and Beant Singh @ Bachi are involved in smuggling of heroin. It was informed that these persons would go and supply heroin to their customers at MIG Flats, Dasmesh Nagar, Shiv Mander Street, Area PS Division No.6, Ludhiana. In case of raid, they could be arrested alongwith the contraband. On receiving the information, raiding team was constituted and reached at the place as disclosed. An i20 car was found there, in which two persons were sitting. Both of them were apprehended. On asking, the driver of the car disclosed his name as Kuldeep Singh @ Babbu and the person sitting on the conductor seat disclosed his name as Beant Singh @ Bachi. They

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were suspected to be carrying some contraband in the car. Thus, search of the car was conducted. On conducting search, 1 kg 405 grams of heroin was recovered beneath the seat of the driver. They failed to produced any licence regarding the possession of the same, and thus, on registration of the FIR, they were arrested on the spot. The investigation commenced. Samples taken were sent to the FSL. On receipt of the FSL report, challan was presented and on framing of charges, the trial commenced. The petitioner approached the Court of learned Judge, Special Court, Ludhiana 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 21.11.2024. Aggrieved, the petitioner earlier approached this Court by way of filing CRM-M-65182-2024 and CRM-M-23192-2025, however, the same were allowed to be dismissed as withdrawn vide orders dated 13.01.2025 and 06.05.2025, respectively. Hence, the petitioner has again approached this Court praying for grant of regular bail by way of filing the present third 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, Beant Singh @ Bachi. He has drawn the attention of this Court to the order dated 14.01.2026, passed in CRM-M-60975-2025 whereby, co-accused Beant Singh @ Bachi has been granted regular bail by this Court. He submits that the petitioner is behind bars since 26.09.2023. 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



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contraband recovered weighing 1.405 kg of heroin, falls under the category of commercial quantity and thus, the provisions of Section 37 of NDPS Act are attracted. She 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 26.09.2023. Co-accused, namely, Beant Singh @ Bachi is on bail and the case of the petitioner as stated is at par with them. The petitioner and the co-accused were arrested on the spot. Custody certificate produced would show that the petitioner has completed incarceration of about 02 years, 04 months and 05 as on 03.02.2026 and he is not involved in any other case. Needless to say that speedy trial is the fundamental right of every accused.

6. 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



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

8. The Hon’ble Supreme Court in Ashim @ Asim Kumar Haranath Bhattacharya @ Asim Harinath Bhattacharya @ Aseem Kumar Bhattacharya Vs. National Investigation Agency, 2022(1) SCC 695 has held as under:

“Deprivation of personal liberty without ensuring speedy trial is not consistent with Article 21 of the Constitution of India. While deprivation of personal liberty for some period may not be avoidable, period of deprivation pending trial/appeal



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cannot be unduly long. At the same time, timely delivery of justice is part of human rights and denial of speedy justice is a threat to public confidence in the administration of justice.”

9. The Hon’ble Supreme Court in a recent decision dated 03.07.2024 in **‘Javed Gulam Nabi Shaikh Vs. State of Maharashtra, Criminal Appeal No. 2787 of 2024’**, has held that howsoever serious a crime may be, an accused has the right to speedy trial under the Constitution of India.

10. 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.

11. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

04.02.2026
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(RAJESH BHARDWAJ)
JUDGE

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