



CRM-M-6264-2026

-1-

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

CRM-M-6264-2026

Date of Decision: 09.02.2026

Pawandeep Singh @ Pawan

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr.Amardeep Singh, Advocate, for the petitioner.

Mr.K.D.Sachdeva, 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.109 dated 24.07.2024, registered under Section 21-C of NDPS Act, 1985, at Police Station Special Task Force, Mohali, District STF Wing, Mohali.

2. Succinctly the facts of the case are that the police party while on patrolling on 24.07.2024, received a secret information to the effect that Pawan (present petitioner) and Nishan are involved in smuggling of heroin. It was informed that they are sitting in their car make Verna in the area of Naushehra Pannuna and in case of raid, they could be apprehended along with the contraband. On receiving the information, police party reached at the place disclosed and found the said car parked there, in which 02 persons were sitting. On asking, the person sitting on the driver seat, disclosed his name to be Pawandeep Singh @ Pawan, whereas person sitting on the adjacent seat disclosed his name to be Nishan Singh @ Nishan. They were suspected to be carrying some contraband and thus, their search was conducted. On conducting the personal search of Nishan Singh @ Nishan, 400 grams of heroin was recovered from right pocket of his trouser whereas from the right pocket of trouser of Pawandeep Singh @ Pawan, 360 grams of heroin was recovered. They failed to produce any license regarding



CRM-M-6264-2026

-2-

possession of the same and hence, the FIR was registered and both were arrested on spot. The investigation commenced. The samples taken were sent to the FSL. On receipt of FSL report, challan was presented and on framing of charges, trial commenced. The petitioner approached learned Additional Sessions Judge, Tarn Taran praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by learned Court vide order dated 03.09.2025. Aggrieved by the same, the petitioner earlier approached this Court twice by way of filing of CRM-M-52629-2025 and CRM-M-71904-2025, however, the same were dismissed as withdrawn/dismissed vide orders dated 23.09.2025 and 24.12.2029, respectively. Hence, the petitioner is before this Court by way of filing of present second 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, Nishan Singh @ Nishan. He has drawn the attention of this Court to the order dated 23.01.2026 passed by this Court in **CRM-M-71129-2025**, whereby, co-accused Nishan Singh @ Nishan has been granted bail. To buttress his arguments, he submits that the petitioner has no criminal antecedents and he is behind the bars since 24.07.2024. 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, Nishan Singh @ Nishan. He has placed on record the custody certificate of the petitioner.



5. After hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner was arrested in this case on 24.07.2024. Co-accused, namely, Nishan Singh @ Nishan is on bail and the case of the petitioner as stated is at par with him. Custody certificate of the petitioner shows that the petitioner has suffered incarceration of 01 year, 06 months & 12 days as on 08.02.2026. It further reflects that the petitioner has no criminal antecedents.

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.

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21it 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.

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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 the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, 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.

8. 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.

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

09.02.2026

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Whether Speaking/Reasoned :
Whether Reportable :

(RAJESH BHARDWAJ)
JUDGE

Yes/No
Yes/No