



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

CRM-M-12903-2026

Date of decision :25.03.2026

Gurjit Singh @ Sukha

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Avtar Singh Khinda, Advocate
for the petitioner.

Mr. Raj Karan Singh, AAG, Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.09 dated 19.01.2024, under Sections 21(c), 29 of the NDPS Act, 1985, registered at Police Station Sadar, Nakodar, District Jalandhar.

2. Succinctly the facts of the case are that the police party, while on patrolling on 19.01.2024, received a secret information to the effect that Jagdev Singh and Gurjit Singh (present petitioner) were involved in selling of heroin. It was informed that they were coming on their Bullet motorcycle, which was without number plate, to sell the contraband to their customers in Nakodar area and in case of barricading, they could be apprehended along with the contraband. On receiving the secret information, the police laid the barricading at the place as disclosed in the secret information and the motorcycle, as disclosed, was seen on which 02 young boys were coming. However, on suspicion, the same was stopped by the police party. The pillion rider was carrying a kit bag on his shoulder. On asking, driver of the motorcycle disclosed his name to be



Jagdev Singh and the person sitting pillion disclosed his name to be Gurjit Singh, who was carrying a kit bag. They were suspected to be carrying some contraband and thus the search was conducted. On conducting the search of Jagdev Singh, 502 grams of heroin was recovered from the left pocket of his jacket, whereas from the search of kit bag being carried by the pillion rider, 02 Kgs 500 grams of heroin was recovered. The total contraband, on weighing, was found to be 3.2 Kgs of heroin. They failed to produce any licence regarding the conscious possession of the same, thus, the FIR was registered and both were arrested on the spot. On registration of the FIR, the investigation commenced. The samples taken were sent to the FSL. On completion of the investigation, the challan was presented and on framing of charges, the trial commenced. The petitioner approached the Court of learned Judge, Special Court, Jalandhar praying for the grant of bail, however after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Jalandhar declined the bail application filed by the petitioner vide order dated 27.01.2026. Hence being aggrieved, the petitioner is again before this Court by way of filing the present petition praying for the grant of bail.

3. Learned counsel for the petitioner, at the outset, prays for the grant of bail on the basis of parity with that of co-accused Jagdev Singh @ Veeru. He has drawn the attention of this Court to the order passed by this Court in CRM-M-66320-2025 dated 02.12.2025 whereby co-accused of the petitioner, namely, Jagdev Singh @ Veeru has been granted the concession of regular bail. He has submitted that case of the petitioner is at par with the co-accused, who has been granted bail by this Court. He submits that on the basis of the parity, the petitioner deserves to be granted



bail as case of the petitioner is similar to that of the co-accused, who has already been granted bail by this Court.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. However, he has endorsed the fact that case of the petitioner is at par with co-accused, namely, Jagdev Singh @ Veeru, who has already been granted bail by this Court. He has submitted that the recovered effected is 2 kgs 500 grams of Heroin, which is commercial in nature and thus, provisions of Section 37 of the NDPS Act are attracted in this case. On instructions, he has submitted that challan has been filed, charges have been framed and out of 13 prosecution witnesses, 02 witnesses have been examined so far. He has produced custody certificate of petitioner, today in the Court, which 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 the date of his arrest. As submitted by the State, out of 13 prosecution witnesses, 02 witnesses have been examined so far. The custody certificate produced would show that petitioner has suffered incarceration of 02 years and 02 months as on 23.03.2026. It further reflects that the petitioner 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 petitioner is covered by the ratio 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.

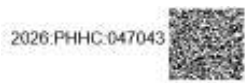
20 xxxxx

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. 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. The trial of the case will take



sufficiently 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 on the basis of parity with co-accused, Jagdev Singh @ Veeru, who has already been granted regular bail by this Court vide order dated 02.12.2025 passed in CRM-M-66320-2025. 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. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

25.03.2026
m.sharma

(RAJESH BHARDWAJ)
JUDGE

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