



IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

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CRM-M-14502-2026 (O&M)
Date of decision: 12.05.2026

Vinay Partap Singh @ Vinay

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present:- Mr. Keshav Chadha, Advocate
for the petitioner.

Mr. Raj Karan Singh, AAG, Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Petitioner has approached this Court by way of present petition under Section 483 BNSS, 2023 for grant of regular bail in case FIR No.298 dated 06.11.2024 registered against him, for commission of offence punishable under Sections 21(c) of NDPS Act at Police Station Phillaur, District Jalandhar.
2. Succinctly, facts of the case are that on 06.11.2024, a police party led by ASI Paramjit Singh had laid a high tech naka on the bridge of Sutlej river, Phillaur where four persons were seen on coming on a motor cycle bearing bearing No. PB10JG6813. On seeking the police party, they got perplexed and tried to turn back the motorcycle and person sitting at the

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end of the seat fled away from the spot. Remaining persons were apprehended at the spot and driver of the motorcycle disclosed his name as Vinay Partap Singh @ Vinay (petitioner). The two other persons sitting on the motorcycle disclosed their names as Vishal Singh @ Shalu and Jagdeep Singh @ Dishu. They further disclosed that Ajay Kumar was the person who fled away from the spot. On suspicion, their search was conducted. From the lap of the petitioner a bag was found and on conducting the search of the bag 300 grams of heroin was recovered. They failed to produce license for the same and thus apprehended at the spot. Thus, on registration of the FIR, the investigation commenced. The petitioner approached the Court of Judge, Special Court, Jalandhar praying for grant of regular bail. However, after hearing both the sides, learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 06.11.2025. Hence, the petitioner has approached this Court by way of filing the present 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, Jagdeep Singh @ Dishu, who was apprehended on the motorcycle along with the petitioner, has been granted the concession of regular bail vide order dated 22.01.2026 (Annexure P-4) passed in CRM-M-11463-2025. 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

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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, Jagdeep Singh @ Dishy. 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 06.11.2024. Co-accused, namely, Jagdeep Singh @ Dishy is on bail and as stated before this Court, case of the petitioner is at par with that of the co-accused.

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

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satisfaction of the concerned trial Court/Duty Magistrate.

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

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

12.05.2026

Satyawan

(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No