



CRM-M-16793-2026

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

CRM-M-16793-2026

Date of Decision: 06.04.2026

Gourav

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr.Ashish Soi, Advocate for the petitioner
(through VC).

Mr.K.D.Sachdeva, DAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Petitioner has approached this Court by way of present petition praying for granting regular bail in case FIR No.81 dated 22.06.2024 under Section 22(C) of NDPS Act, 1985 (Sections 21 and 29 of NDPS Act added lateron), registered at Police Station Moti Nagar, Ludhiana.

2. Succinctly the facts of the case are that on 22.06.2024, the police party while on patrolling, received a secret information to the effect that one Vishal Chawla @ Kaka is involved in selling of heroin. It was informed that today he along with his wife, namely, Sonam and his brother-in-law Gourav Kumar (the petitioner) are roaming around Electricity Grid and if raid is conducted, they could be arrested along with the contraband. On receiving the information, the raiding party was constituted and they reached at the place as disclosed. The police found all three of them sitting there carrying heavy polythene bags in their hands. On seeing the police, one of them fled the scene carrying a polythene bag and thereafter, the other boy and girl also attempted to escape, but they were apprehended by the police officials. On asking, boy disclosed his name to be Gourav Kumar and the girl disclosed her name to be Sonam wife of Vishal @ Kaka. They were suspected to be carrying some contraband and thus, their search was



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conducted. On conducting the search, recovery of 258 grams of heroin was effected from Sonam and 262 grams of heroin was effected from Gaurav. They failed to produce any licence regarding possession of the same and thus, the FIR was registered and both the accused were arrested on spot. Investigation commenced. On completion of investigation, challan was presented and on framing of charges, the trial commenced. The petitioner approached learned Judge, Special Court, Ludhiana for grant of bail, however, after hearing both the sides, the same was declined by the trial Court, Ludhiana vide order dated 11.03.2026. Aggrieved by the same, the petitioner is before 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, Sonam, from whom 258 grams of heroin was recovered, whereas, from the petitioner allegedly 262 grams of heroin was recovered. He has drawn the attention of this Court to the order dated 22.08.2025 passed in **CRM-M-41508-2025**, whereby, co-accused Sonam has been granted regular bail by this Court. He submits that the petitioner is in custody since 22.06.2024. He submits that in all there are three accused in the present case, out of them, two accused are already on bail. He further submits that though the petitioner is involved in one more case, however, the same is not under the NDPS Act and the petitioner is on bail in the same. 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



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petitioner is at par with the co-accused, namely, Sonam. He has submitted that out of total 17 prosecution witnesses, 01 witness has been examined. 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 is behind bars since 22.06.2024. Co-accused, namely, Sonam is on bail and the case of the petitioner as stated is at par with her. As per custody certificate, the petitioner has suffered incarceration of 01 years, 09 months & 11 days as on 04.04.2026. It further reflects that the petitioner is involved in one more case, however, the same is not under the NDPS Act and he is on bail in that case. As per law settled, speedy trial is the fundamental right of every 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. 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.

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

06.04.2026
sharmila

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No

(RAJESH BHARDWAJ)
JUDGE