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

CRM-M-17095-2026

Date of Decision: 06.04.2026

Rupinder Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr.Rudresh, Advocate for
Mr. Harpreet Maini, Advocate for the petitioner
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.51 dated 17.06.2021 under Sections 22(C) and 29 of NDPS Act, 1985 and Sections 420, 467, 468, 471 IPC, registered at Police Station Sadiq, District Faridkot.

2. Succinctly, facts of the case are that on 17.06.2021, the police party in connection with the campaign started against the drugs, was present at Village Jandwala near Kassi Bridge, Faridkot-Sadiq Road when they received a secret information to the effect that one Jagrup Singh along with Gurmeet Singh and Rupinder Singh (the petitioner) was travelling in a Ghora Trola 18 Tyres bearing registration No.PB-05-W-9722 and smuggling drugs from Rajasthan for supplying the same in the Villages and if barricading is laid, they could be arrested alongwith the contraband. On receiving the information, the police reached the place as disclosed and all three persons were found travelling in the said Trola. On suspicion, all of them were apprehended. On asking, they disclosed their names as Jagrup Singh, Gurmeet Singh and Rupinder Singh. On conducting search, 1,80,000 intoxicating tablets containing salt 'Tramadol' were recovered from them.

They failed to produce any license regarding possession of the same and



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thus, the FIR was registered and all the accused were arrested on the spot. The investigation commenced. On completion of the investigation, challan was presented and charges were framed. Petitioner approached the Court of learned Judge, Special Court, Faridkot, praying for grant of regular bail. However, after hearing counsel for the parties, learned Judge, Special Court, declined the same vide order dated 14.01.2022. Aggrieved by the same, the petitioner earlier approached this Court by way of filing CRM-M-11906-2022 and CRM-M-35868-2024, however, the same were dismissed vide orders dated 30.11.2023 and 29.01.2025, respectively. Hence, the petitioner is before this Court 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, Gurmeet Singh. He has drawn the attention of this Court to the order dated 16.03.2026 passed in **CRM-M-51208-2025**, whereby, co-accused Gurmeet Singh has been granted regular bail by this Court. He submits that the petitioner is in custody since 17.06.2021. 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, Gurmeet Singh. He has submitted that out of total 49 prosecution witnesses, 15 witnesses have been examined. He has placed on record the custody certificate of the petitioner.

5. After hearing learned counsel for the parties and perusing the



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record, it is deciphered that the petitioner is behind bars since 17.06.2021. Co-accused, namely, Gurmeet Singh is on bail and the case of the petitioner as stated is at par with him. As per custody certificate, the petitioner has suffered incarceration of 04 years, 09 months & 12 days as on 04.04.2026. It further reflects that the petitioner is involved in two more cases, however, he is on bail in one 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. As per law settled, speedy trial to the petitioner despite his involvement in multiple cases cannot be taken away. The trial of the case is likely to take sufficient time. Speedy trial is the right of every accused. 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 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.”

8. 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



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of India.

9. 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.

10. It is being clarified that in case the petitioner does not furnish bail/surety bonds within a period of one week from today, his custody will not be counted in the present case after one week.

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

(RAJESH BHARDWAJ)
JUDGE

06.04.2026

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