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

CRM-M-17644-2026**Date of Decision: 08.04.2026**

Kulwinder Singh @ Mothu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**Present:** Mr. Charnjit Singh Bahia, Advocate
for the petitioner.

Mr. K.D. Sachdeva, D.A.G., Punjab.

RAJESH BHARDWAJ, J. (ORAL)

1. Present second petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.137 dated 13.07.2023, under Section 22(C) of the NDPS Act, 1985, registered at Police Station Talwandi Sabo, District Bathinda, Punjab.

2. Succinctly, facts of the case are that on 13.07.2023, the police party, in connection with checking of narcotic substances, was present at Talwandi Sabo-Raman Bypass T-Point Mata Sahib Kaur College about 300 sq. yards from Dashmesh Public School Drain Bridge, where at about 04:30 AM, a Toyota Corolla Car No.DL1CJ-4986 Colour Silver was seen coming but the person sitting on driver seat tried to turn back from the *naka*. However, the said vehicle was stopped and the persons were apprehended. On asking, the driver of the said vehicle disclosed his name as Kulwinder Singh @ Ghoku and the person sitting at back seat, disclosed his name as Kulwinder Singh @ Motu (present petitioner). They were suspected to be carrying some contraband and hence, the search was conducted. On conducting the search of the vehicle, one



plastic sack containing 2000 strips of intoxicating tablets, containing 10 tablets per strip i.e. 20000 tablets labelled as Tramadol Radol-100 SR, was recovered. They failed to produce any license regarding possession of the same and thus, the FIR was registered, investigation commenced and the petitioner was arrested on the spot. On completion of the investigation, challan was presented and charges were framed. Petitioner approached the Court of learned Judge, Special Court, Bathinda, praying for grant of regular bail. However, after hearing counsel for the parties, the same was declined vide order dated 08.04.2025. Being aggrieved, earlier the petitioner has approached this Court by way of filing CRM-M-44816-2025, however, the same was dismissed as not pressed vide order dated 22.08.2025. Hence, the petitioner is before this Court by way of filing the present second petition.

3. Learned counsel for the petitioner, at the outset, prays for the grant of bail on the basis of parity with that of the co-accused. He has drawn the attention of this Court to the order dated 24.03.2026 passed by this Court in **CRM-M-67036-2025**, whereby co-accused of the petitioner, namely, Kulwinder Singh @ Goku, has been granted the concession of bail. He has submitted that case of the petitioner is at par with that of the co-accused, who has been granted bail by this Court. He submits that on the basis of the parity, 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.

4. Per contra, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner. He has submitted that the petitioner was arrested on the spot and from the vehicle in which he along with co-accused was travelling, 20,000 tablets containing Tramadol were recovered and on weighing, the same were found to be 6.980 kgs of Tramadol, which is a commercial quantity, thus, the provisions of Section 37 of the NDPS



Act, are attracted in this case. However, he endorsed the fact that case of the petitioner is at par with co-accused, namely, Kulwinder Singh @ Goku, has already been granted bail by this Court. 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 has been arrested on 13.07.2023. The alleged recovery was effected from the public place. Custody certificate filed by the State would show that the petitioner has suffered an incarceration of 02 years, 02 month and 21 days as on 07.04.2026. It further reflects that the petitioner is not involved in any other case. Admittedly, co-accused of the petitioner, namely, Kulwinder Singh @ Goku, has already been granted bail by this Court vide order dated 24.03.2026. Needless to say that every accused has the fundamental right of speedy trial.

6. 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.

7. In view of the facts and circumstances of the present case, this Court cannot ignore the fact that the speedy trial is the fundamental right of every accused. 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.

20. xxxxx

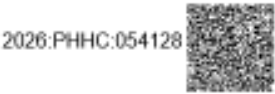
21.it would be important to reflect that laws which impose stringent conditions for grant of bail, may be necessary in public interest; yet, if trials are not concluded in time, the injustice wrecked on the individual is immeasurable.

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.

8. 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.”

9. 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 of India.

10. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Thus, 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.

11. Accordingly, the present petition is allowed and 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.

08.04.2026
ps-I

(RAJESH BHARDWAJ)
JUDGE

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