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

**CRM-M No.17635 of 2026
Date of decision: 08.04.2026**

Kamalpreet Singh @ Babbu**....Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ***********

Present :- Mr. Nishan Singh Chahal, Advocate
for the petitioner.

Mr. K. D. Sachdeva, DAG, 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.212, dated 23.09.2024, under Sections 18(b), 61, 85 of NDPS Act, registered at Police Station City Kotkapura, District Faridkot.

2. Succinctly, the facts of the case are that the police party was patrolling on 23.09.2024 and when they reached near Brar Tile Factory, then on the roadside, they found one Ghora Tralla bearing registration No.PB-04-AG-7786 was loaded and ahead of the same, one Verna car bearing registration No. DL-1CQ-0664 was parked there and two clean shaven persons were seen sitting in the Tralla (truck). On seeing the police, driver of the truck (Ghora Tralla) and person sitting on conductor seat, tried to escape after alighting the truck, however, on suspicion, both



were apprehended by the police party. On asking, driver of the truck disclosed his name as Pargat Singh, whereas the person sitting on the conductor seat disclosed his name as Kamalpreet Singh @ Babbu (petitioner). They were suspected to be carrying some contraband and thus on giving the offer, the truck as well as the Verna car were searched. On conducting the search of the truck, one transparent polythene envelope was found under the clothes lying on the back seat of the truck, thus, the same was searched and on conducting the search of the same, 4.74 kgs of opium was recovered. They failed to produce any license 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, Faridkot praying for the grant of bail. However, after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Faridkot, dismissed the bail application filed by the petitioner vide order dated 12.03.2026. Hence being aggrieved, the petitioner is before this Court by way of filing the present petition praying for the grant of regular bail.

3. Learned counsel for the petitioner, at the outset, prays for the grant of regular bail on the basis of parity with that of the co-accused, namely, Pargat Singh. He has drawn the attention of this Court to the order dated 25.02.2026 passed by this Hon'ble Court in **CRM-M No.36057 of 2025**, whereby co-accused of the petitioner, namely, Pargat Singh, has been granted the concession of bail. He has submitted that the petitioner is



behind bars since 23.09.2024. He has further submitted that the petitioner is not involved in any other case. 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, the petitioner deserves to be granted bail.

4. Learned counsel for the State has endorsed the factum of grant of bail to the co-accused of the petitioner as stated above and has not denied that the case of the petitioner is at par with that of co-accused, namely, Pargat Singh, who has been granted bail by this Court. He, however, has submitted that the contraband recovered in the present case weighs 4.74 Kgs of Opium, which is a commercial quantity and thus, the provisions of Section 37 of NDPS Act are attracted. He has produced custody certificate of the petitioner today in the Court which is taken on record.

5. I have heard learned counsel for the parties and perused the record with their able assistance.

6. On hearing counsel for the parties and perusing the record, it is deciphered that petitioner was arrested in the present case on 23.09.2024. The recovery of 4.74 kgs of opium is from a truck which was found parked in a public place. Admittedly, co-accused of the petitioner, namely, Pargat Singh, had already been granted bail by this Court vide order dated 25.02.2026 passed by this Court in **CRM-M-36057-2025**. Custody certificate produced would show that the petitioner has suffered an incarceration of 01 year, 06 months and 10 days as on 06.04.2026. It further reflects that the petitioner is not involved in any other case.

7. 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.

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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.'

8. 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 cases will take sufficiently long time. However, keeping in view the overall facts and circumstances of the present case, 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.

9. 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.

08.04.2026
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(RAJESH BHARDWAJ)
JUDGE

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