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

CRM-M-18894-2026 (O&M)

Date of decision :26.05.2026

Harjit Singh @ Bhilli

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Ramnish Puri, Advocate
for the petitioner.

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

RAJESH BHARDWAJ, J. (Oral)**CRM-23637-2026**

Application is allowed as prayed for.

Annexure P-8 is taken on record.

CRM-23639-2026

This application has been filed for addition of offence under Section 29 of the NDPS Act, 1985 in the head note, prayer clause of the main petition. Further prayer has been made to place on record the amended head note and prayer clause of the petition.

Notice in the application.

Mr. K.D. Sachdeva, DAG, Punjab accepts notice on behalf of the respondent-State and pleads no objection if the application is allowed.

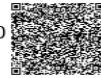
In view of the above, offence under Section 29 of the NDPS Act, 1985 is ordered to be added in the head note, prayer clause of the main petition. Application stands allowed.

Amended head note and prayer clause are taken on record.

**Main case**

1. Present second petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.193 dated 21.10.2024, under Sections 21-B, 27-A and 21-C, 29 (added later on) of the NDPS Act, 1985, registered at Police Station Chheharta, District Police Commissionerate Amritsar.

2. Succinctly, the facts of the present case are that the police party, while on patrolling on 21.10.2024, saw one boy was coming on activa, who was signalled to stop. He got perplexed and instead of stopping the activa, he tried to turn back the activa but got slipped. Thereafter, he was apprehended by the police party. On asking, he disclosed his name to be Suhail. He was suspected to be carrying some contraband and on giving the offer, search was conducted. On conducting the search of the activa, one transparent polythene bag containing 200 grams heroin along with a small computerized weighing scale and Indian currency notes amounting to Rs.2000/-, were recovered from the boot of the Activa scooter. He failed to produce any licence regarding possession of the same and thus, the FIR was registered and investigation commenced. During investigation, complicity of the petitioner surfaced on the basis of disclosure statement of co-accused, namely, Suhail and resultantly, he was arrested on 26.10.2024. Samples taken were sent to FSL. On receipt of FSL, trial commenced. Petitioner approached learned Judge, Special Court, Amritsar praying for grant of bail, however, finding no merit, his application was declined after hearing both the sides vide order dated 22.01.2025. Being aggrieved, petitioner earlier approached this Court by way of filing CRM-M-8357-2025, however, the same was

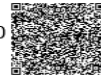


dismissed as withdrawn vide order dated 07.05.2025. Hence, petitioner is before this Court by way of filing the present second petition.

3. Learned counsel for the petitioner, at the outset, prays for the grant of bail on the basis of parity with that of co-accused, namely, Satnam Singh @ Love. He has drawn the attention of this Court to the order dated 24.04.2026 passed by this Court in CRM-M-21436-2026 whereby co-accused of the petitioner, namely, Satnam Singh @ Love has been granted the concession of regular bail. He has submitted that case of the petitioner is at par with the co-accused, who has been granted bail by this Court. He has further submitted that on the basis of the parity, the petitioner deserves to be granted bail. He has also submitted that the petitioner is behind the bars from last more than 1½ years.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. However, he has endorsed the fact that case of the petitioner is at par with co-accused, namely, Satnam Singh @ Love, who has already been granted bail by this Court. He has submitted that total recovery of 2.5 kgs of heroin was effected from co-accused, namely, Suhail, i.e. 200 grams of heroin effected from spot and 2 kgs 300 grams of heroin effected from his house on his disclosure statement, which falls under the category of commercial quantity and thus, provisions of Section 37 of the NDPS Act are attracted in this case. On instructions, he has submitted that challan has been presented and charges have been framed. 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 is behind bars since the date of



his arrest. The custody certificate produced would show that petitioner has suffered incarceration of 01 year, 05 months and 23 days as on 25.05.2026. It further reflects that the petitioner is not involved in any other. Admittedly, co-accused of the petitioner, namely, Satnam Singh @ Love has already been granted bail by this Court vide order dated 24.04.2026.

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 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 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 case will take sufficiently 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 on the basis of parity with co-accused, Satnam Singh @ Love who has already been granted regular bail by this Court vide order dated 24.04.2026 passed in CRM-M-21436-2026. 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.

26.05.2026
m.sharma

(RAJESH BHARDWAJ)
JUDGE

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