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

CRM-M No.20041 of 2026

Date of Decision: 19.05.2026

Jaswant Singh @ Kalu

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Karanjeet Singh Brar, Advocate
for the petitioner.

Mr. Raj Karan Singh, Asstt. A.G., 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.23, dated 10.03.2025, under Sections 22-B, 27-A of NDPS Act and Section 181 of Motor Vehicle Act (Sections 22-C & 27 NDPS Act added later on), registered at Police Station Kabarwala, District Sri Muktsar Sahib.

2. Succinctly, the facts of the case are that the police party was on patrolling on 10.03.2025 and when they heading to village Kattianwali via link road from Aspala, they saw two young men riding on the motorcycle. On seeing the police, they got perplexed and tried to turn back the motorcycle, however, on the basis of suspicion, they were apprehended by the Police. On asking, rider of the motorcycle disclosed his name to be Jaswant Singh @ Kalu (petitioner) and the pillion rider disclosed his name to be Balwinder Ram @ Bindu. They were suspected to be carrying some contraband in the polythene hanging on the right side of the handle of the



motorcycle. Thus, on giving notice under Section 50 of the NDPS Act, search of the polythene was conducted. On conducting the search, 30 intoxicating tablets were recovered from the same. They failed to produce any licence 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 the charges the trial commenced. The petitioner approached the Court of learned Judge, Special Court-I, Sri Muktsar Sahib praying for the grant of regular bail. However, after hearing both the sides and finding no merit in the same, the learned Judge, Special Court-I, Sri Muktsar Sahib, dismissed the bail application filed by the petitioner vide order dated 15.11.2025. Hence, the petitioner has approached this Court praying for grant of regular bail by way of filing the present petition.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely and frivolously implicated in the present case. He, at the outset, prays for the grant of bail to the petitioner on the basis of parity with that of the co-accused, namely, Balwinder Singh @ Bindu. He has drawn the attention of this Court to the order dated 23.03.2026, passed in **CRM-M-31906-2025**, whereby, co-accused, namely, Balwinder Singh @ Bindu has been granted regular bail by this Court. He has submitted that the case of petitioner is at par with that of the co-accused, who has already been granted bail by this Court. He has submitted that the petitioner is behind bars since 10.03.2025. He has submitted 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, Balwinder Singh @ Bindu. He, however, has submitted that the contraband, i.e. 5.37 grams of Etizolam, recovered in the present case falls under the category of commercial quantity and thus, the provisions of Section 37 of NDPS Act are attracted.

5. Heard.

6. 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, i.e. 10.03.2025. Admittedly, co-accused, namely, Balwinder Singh @ Bindu is on bail and the case of the petitioner as stated is at par with him. Custody certificate produced would show that the petitioner has suffered an incarceration of 01 year, 02 months and 03 days as on 18.05.2026. It further reflects that the petitioner is involved in 05 other cases, however, in 03 of the cases, he is on bail and in 01 case, he has already undergone the sentence.

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 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.'*

8. 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. The trial of the case will take sufficient 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 to the petitioner 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.

10. However, if the petitioner does not furnish the bail bonds within seven days from today, then his further custody period after one week will not be counted in this case.

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

19.05.2026

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(RAJESH BHARDWAJ)

JUDGE

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No