



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

CRM-M-21375-2026

Date of decision :24.04.2026

Jagroop Singh

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. S.S. Maini, Advocate and
Mr. Rudresh, Advocate
for the petitioner.

Mr. Raj Karan Singh, AAG, Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Petitioner has approached this Court by way of filing the present third petition praying for grant of regular bail to him in case FIR No.51 dated 17.06.2021, under Sections 22(c) and 29 of the NDPS Act, 1985 and Sections 420, 467, 468, 471 of IPC (sections 318(4), 338, 336(3), 340 of BNS added later on), 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 where at about 02:50 PM, a secret informer informed that one Jagrup Singh (present petitioner) along with a Gurmeet Singh and Rupinder Singh were 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 on the spot along with 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 the search, 1,80,000 intoxicating tablets containing salt 'Tramadol' were recovered. They failed to produce any license regarding possession of the same and 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, Faridkot declined the same vide order dated 10.04.2026. Aggrieved by the same, the petitioner earlier approached this Court twice by way of filing CRM-M-36788-2021 and CRM-M-40313-2024, 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 on the basis of parity with that of co-accused, namely, Rupinder Singh and Gurmeet Singh. He has drawn the attention of this Court to the orders dated 16.03.2026 and 06.04.2026 passed by this Court in CRM-M-51208-2025 and CRM-M-17095-2026 whereby co-accused of the petitioner, namely, Rupinder Singh and Gurmeet Singh have been granted the concession of regular bail. He has submitted that case of the petitioner is at par with the co-accused, who have 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 4½ years and hence, right of speedy trial is miserably defeated in the present case.



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, Rupinder Singh and Gurmeet Singh, who have already been granted bail by this Court. He has submitted that recovery of 64.44 kg of Tramadol was effected in this case, which falls under the category of commercial quantity and thus, provisions of Section 37 of the NDPS Act are attracted in the present case. 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 04 years and 10 months as on 23.04.2026. It further reflects that though the petitioner is involved in two more cases, however, in one case, he has been acquitted. Admittedly, co-accused of the petitioner, namely, Rupinder Singh and Gurmeet Singh have already been granted bail by this Court vide orders dated 16.03.2026 passed in CRM-M-51208-2025 and 06.04.2026 passed in CRM-M-17095-2026. Needless to say that every accused has the fundamental right of speedy trial.

6. 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.”

7. 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.

8. 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.'

9. 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, Rupinder Singh and Gurmeet Singh who have already been granted regular bail by this Court vide orders 16.03.2026 passed in CRM-M-51208-2025 and 06.04.2026 passed in CRM-M-17095-2026. 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.

24.04.2026
m.sharma

(RAJESH BHARDWAJ)
JUDGE

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