



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

CRM-M-21436-2026

Date of decision :24.04.2026

Satnam Singh @ Love

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Vikas Gupta, Advocate
for the petitioner.

Mr. Kuljinder Dhindsa, AAG, 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.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 Cheharta, 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 2.5 kgs 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 he was arrested on spot.



The investigation commenced. During investigation, he made a disclosure statement about the involvement of the present petitioner, thus he was arrayed as accused and resultantly, was arrested on 21.08.2025. 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 15.11.2025. Being aggrieved, petitioner is before this Court by way of filing the present 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, Pargat Singh @ Sajjan @ Sapp and Amandeep Singh @ Aman. He has drawn the attention of this Court to the common order passed by this Court in CRM-M-49959-2025 and CRM-M-62358-2025 of even date i.e. 20.03.2026 whereby co-accused of the petitioner, namely, Pargat Singh @ Sajjan @ Sapp and Amandeep Singh @ Aman 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.

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, Pargat Singh @ Sajjan @ Sapp and Amandeep Singh @ Aman, who have already been granted bail by this Court. He has submitted that recovery of 2.5 kg of heroin was effected from co-accused, namely, Suhail, which falls under the category of commercial quantity and thus, provisions of Section 37 of the NDPS Act are attracted in the present case. On instructions, he has submitted that out of 21 prosecution witnesses, none has been examined till date. He has produced custody certificate of petitioner, today in the Court, which is taken on record.



5. 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:-

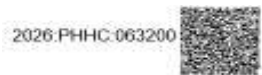
19. A plain and literal interpretation of the conditions under Section 37 (i.e., that Court should be satisfied that the accused is not guilty and would not commit any offence) would effectively exclude grant of bail altogether, resulting in punitive detention and unsanctioned preventive detention as 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.'

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. The custody certificate produced would show that petitioner has suffered incarceration of 07 months and 30 days as on 23.04.2026. It further reflects that though the petitioner is involved in one more case under Section 379-B of IPC, however, he is on bail in the same. Admittedly, co-accused of the petitioner, namely, Pargat Singh @ Sajan @ Sapp and Amandeep Singh @ Aman have already been granted bail by this Court vide common order dated 20.03.2026.

6. 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, Pargat Singh @ Sajan @ Sapp and Amandeep Singh @ Aman who have already been granted regular bail by this Court vide order of even date i.e. 20.03.2026 passed in CRM-M-49959-2025 and CRM-M-62358-2025. 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