



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

CRM-M-22735-2026

Date of decision :20.05.2026

Kulwinder Singh

....Petitioner

versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Jaswinder Singh Grewal, Advocate
for the petitioner.

Mr. Raj Karan Singh, A.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed by the petitioner praying for grant of regular bail in case FIR No.56 dated 22.06.2024, under Sections 21(C), 23, 61 of NDPS Act and Section 10, 11 & 12 of Air Craft Act, registered at Police Station Sadar Jalalabad, District Fazilka.

2. Succinctly, facts of the case are that on 22.06.2024, an information was received through HC/G Patil Parkash of Unit 'G' Cell deployed at BOP Jodhawala, that a drone along with 01 Pkt is lying in the farming field of village Gahlewala. On receiving the information, local police also joined and started the search operation. On conducting the search, a drone make DJI Mavic Classic-3 and 01 packet of containing 520 grams of heroin were recovered. In the said drone activity, four persons were suspected to be involved, namely, Baldev Singh, Charanjit Singh @ Channi, Kulwinder Singh @ Giddi (present petitioner) and Gurmail Singh. Thus, the FIR was registered. On the registration of the FIR, petitioner was arrested on 29.10.2024. The investigation commenced and the samples were sent to FSL. On completion of investigation, challan was presented. On framing the charges, the trial commenced. The petitioner approached the learned Special



Court at Fazilka praying for grant of regular bail. However, after hearing both the sides, the same was declined vide order dated 07.04.2026. Aggrieved, the petitioner is before this Court praying for grant of bail 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 the co-accused. He has drawn the attention of this Court to the order dated 27.03.2025 passed by this Court in **CRM-M-47233-2024**, whereby co-accused of the petitioner, namely, Gurmail Singh, has been granted the concession of regular bail. He has submitted that case of the petitioner is at par with that of the co-accused, who has been granted regular bail by this Court. He submits that on the basis of the parity, petitioner deserves to be granted bail as case of the petitioner is similar to that of the co-accused, who has already been granted regular bail.

4. Learned State counsel, on the other hand, has opposed the submissions made by learned counsel for the petitioner. He has submitted that the recovery effected in the present case is of 520 grams of Heroin, which falls under the category of commercial quantity and thus, provisions of Section 37 of the NDPS Act are attracted in this case. However, he endorsed the fact that case of the petitioner is at par with co-accused, namely, Gurmail Singh, has already been granted regular bail by this Court. He has placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner is behind bars since the date of his arrest. Custody certificate filed by the State shows that the petitioner has undergone incarceration of 01 year, 06 months and 09 days as on 19.05.2026. It further reflects that though the petitioner is involved in 04 more cases, however, in



03 cases he is on bail and in 01 case, he has been discharged. Admittedly, co-accused of the petitioner, namely, Gurmail Singh, has already been granted regular bail by this Court vide order dated 27.03.2025.

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.

8. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the 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. 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.

20.05.2026
ps-I

(RAJESH BHARDWAJ)
JUDGE

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