



212

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

CRM-M-27852-2026 (O&M)

Date of decision: 21.05.2026

Baljeet Singh @ Shani**.....Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Chandra Uday Singh, Advocate (through VC)
Mr. Manish, Advocate and
Mr. Prajjawal Pandit, Advocate
for the petitioner.

Mr. Raj Karan Singh, AAG, Punjab.

RAJESH BHARDWAJ, J. (Oral)**CRM-21818-2026**

Application is allowed as prayed for.

Main case

1. Petitioner has approached this Court by way of filing the present petition praying for grant of regular bail to him in case FIR No.242 dated 07.09.2025, under Sections 21(c), 25, 29/61/85 of the NDPS Act and Section 27-A of NDPS Act, 1985 added later on, registered at Police Station Anti Narcotics Task Force (ANTF), District ANTF Wing.
2. Succinctly the facts of the case are that the police party while on patrolling on 07.09.2025, received a secret information to the effect that Gautam Soni @ Deepu, Rohit @ Mani and Yugraj Singh @ Yuvi were in contact with Pakistani Heroin smugglers and used to procure Heroin from them in huge quantities for supplying it. On that day also, they had gone on their motorcycle bearing No.PB-02-DK-8119 and Activa No.PB-



02-EV-5026 for supplying the same and in case barricading is laid, they could be arrested along with the contraband. On receiving the information, the police reached the place as disclosed and the young persons were found standing there along with their motorcycle and activa. On seeing the police, they tried to escape however, they were apprehended by the police. On suspicion, they were stopped. On asking, they disclosed their names as Gautam Soni @ Deepu, Rohit @ Mani and Yugraj Singh @ Yuvi. They were suspected to be carrying some contraband, hence, their search was conducted. On conducting the search, from the diggy of Activa of Gautam Soni @ Deepu, 02 polythene bags along with yellow tape were found and from the same, 572 grams and 522 grams of Heroin were recovered which in total is 1.094 kg. They failed to produce any license regarding possession of the same and hence, the FIR was registered and investigation commenced. However, during investigation, the complicity of the petitioner surfaced on the basis of disclosure statement of co-accused and thus, was arrested on 08.09.2025. On completion of the investigation, challan has been presented. The petitioner approached the Court of learned Judge, Special Court, Amritsar praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides vide order dated 09.12.2025. Aggrieved by the same, the petitioner is before this Court by way of filing of present petition for grant of bail.

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, Harish Sharma @Hari. He has drawn the attention of this Court to the order dated 12.03.2026 passed by this Court in CRM-M-67481-2025 whereby



co-accused of the petitioner, namely, Harish Sharma @ Hari 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.

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, Harish Sharma @ Hari, who has already been granted bail by this Court. He has submitted that recovery of 1.094 kg of heroin was effected from co-accused, namely, Gautam Soni @ Deepu, 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 challan has been presented. 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 08 months and 09 days as on 20.05.2026. It further reflects that the petitioner is not involved in any other. Admittedly, co-accused of the petitioner, namely, Harish Sharma @ Hari, has already been granted bail by this Court vide order dated 12.03.2026.

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.*

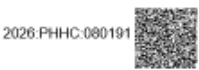
20 xxxxx

21 *.....it 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.*

22 xxxxx

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, Harish Sharma @ Hari who has already been granted regular bail by this Court vide order dated 12.03.2026 passed in CRM-M-67481-2025. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on her 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.

21.05.2026
m.sharma

(RAJESH BHARDWAJ)
JUDGE

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