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

CRM-M-27929-2026 (O&M)

Date of decision : 21.05.2026

Varun Kumar @ Veenu

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Vishal Deep Goyal, Advocate
for the petitioner.

Mr. Raj Karan Singh, AAG, Punjab.

RAJESH BHARDWAJ, J. (Oral)**CRM-22307-2026**

The present application has been filed for addition of offence under Section 27 of the NDPS Act, 1985 along with other Sections already mentioned in the Headnote as well as in the prayer clause of the petition.

Learned counsel for the applicant/petitioner contends that the FIR in question was registered on 30.03.2024 at Police Station Special Task Force (STF), District SAS Nagar, under Sections 21, 29 of the NDPS Act (Section 21-C of the NDPS Act added later on). He further submits that offence under Section 27 of the NDPS Act was added at the time of presentation of challan. As such, the bail application was filed without mentioning the offence under Section 27 of the NDPS Act.

Notice in the application.

Mr. Raj Karan Singh, AAG, Punjab accepts notice on behalf of the State and pleads no objection if the present application is allowed.



In view of the above, the present application is allowed.
Amended head note and prayer clause are taken on record.

Main case

1. Present fourth petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.54 dated 30.03.2024, under Sections 21, 29 of the NDPS Act, (Section 21-C, 27 of the NDPS Act added later on) (Charge under Sections 21, 29 of the NDPS Act has been framed by learned Judge, Special Court, Ludhiana), registered at Police Station Special Task Force (STF), District SAS Nagar.

2. Succinctly, facts of the case are that on 30.03.2024, the police party while on patrolling received a secret information to the effect that Kapil Kumar @ Kapil and Varun Kumar @ Veenu (petitioner) are indulged in selling of heroin and today both of them are going to supply heroin near funeral ground, Mohalla Shiv Puri area on their scooter and would be waiting for their customers. It was informed that in case of raid, they could be arrested alongwith the contraband. On receiving the information, raid was conducted at the place disclosed and 1.950 kgs of intoxicated powder was recovered from the conscious possession of petitioner, namely, Varun Kumar @ Veenu alongwith co-accused Kapil Kumar @ Kapil. They failed to produce any license regarding possession of the same and hence, they were arrested on the spot. The FIR was registered and investigation commenced. Samples taken were sent to the FSL. On completion of the investigation, challan was presented and on framing of charges, trial commenced. Petitioner approached the Court of learned Judge, Special Court, Ludhiana, praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides vide order dated 28.10.2024. Earlier also the petitioner approached this Court thrice by way of filing CRM-M-57746-



2024, CRM-M-33247-2025 and CRM-M-66813-2025, however, the same were dismissed vide orders dated 04.03.2025, 09.07.2025 and 04.12.2025, respectively. Aggrieved by the same, the petitioner is before this Court by way of filing of present fourth 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, Kapil Kumar @ Kapil. He has drawn the attention of this Court to the order dated 13.05.2026 passed by this Court in CRM-M-16197-2026 whereby co-accused of the petitioner, namely, Kapil Kumar @ Kapil 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. He has also submitted that the petitioner is behind the bars from last more than 2 years.

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, Kapil Kumar @ Kapil, who has already been granted bail by this Court. On instructions, he has submitted that challan has been presented and charges have been framed. He has submitted that recovery of 1.950 kg of intoxicated powder was effected from co-accused, 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 02 years, 01 month and 17 days as on 20.05.2026. It further reflects that the petitioner is not involved in any other case. Admittedly, co-accused of the petitioner, namely, Kapil Kumar @ Kapil, has already been granted bail by this Court vide order dated 13.05.2026.

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.

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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. 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, Kapil Kumar @ Kapil who has already been granted regular bail by this Court vide order dated 13.05.2026 passed in CRM-M-16197-2026. 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.

21.05.2026
m.sharma

(RAJESH BHARDWAJ)
JUDGE

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