



CRM-M-28302-2026

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

CRM-M-28302-2026

Date of Decision: 22.05.2026

Arjinderpal Singh @ Karan

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Ms. Payal, Advocate for
Mr. Rajat Dogra, Advocate, for the petitioner.
Mr.K.D.Sachdeva, DAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for grant of regular bail to the petitioner in a case FIR No.41 dated 24.03.2025 under Sections 21-C, 25, 29 of NDPS Act and Sections 341(2) and 317(2) of BNS, 2023, at Police Station Lopoke, District Amritsar.

2. Succinctly, the facts of the case are that on 24.03.2025, the police party while on patrolling, received a secret information to the effect that Baljit Singh @ Gull and Arjinderpal Singh @ Karan (the petitioner) are having relations with the smugglers of Pakistan and they after bringing heroin from Pakistan through border in different ways and are supplying in different city of Punjab. It was informed that today they are coming on motorcycle on the road of Ranike side to supply the heroin to some party and in case of barricading, they could be arrested alongwith the contraband. On finding the secret information reliable, the barricading was done and two persons as disclosed were seen riding the motor-cycle. They were signalled to stop, however, the pillion rider tried to throw a plastic bag. However, both were apprehended. On asking, rider of the motorcycle disclosed his name to be Baljit Singh @ Gull and the pillion rider disclosed his name to be



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Arjinderpal Singh @ Karan (petitioner). On suspicion, search of the plastic bag was conducted and 515 grams heroin was recovered from the same. They failed to produce any licence regarding the conscious possession of the same, thus, the FIR was registered and they were arrested on the spot. On registration of the FIR, the investigation commenced. The samples taken were sent to the FSL. On completion of the investigation, the challan was presented and on framing of charges, the trial commenced. The petitioner approached the Court of learned Judge, Special Court, Amritsar, praying for grant of regular bail. However, after hearing both the sides, learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 24.03.2026. Hence, the petitioner has approached this Court by way of filing the present petition.

3. Learned counsel for the petitioner, at the outset, prays for the grant of bail to the petitioner on the basis of parity with that of the co-accused, namely, Baljit Singh @ Gulli. He has drawn the attention of this Court to the order dated 06.05.2026 passed in **CRM-M-2464-2026**, whereby, co-accused Baljit Singh @ Gulli, has been granted regular bail by this Court. He submits that on the basis of the parity, the petitioner deserves to be granted bail as the case of the petitioner is similar to that of the said co-accused, who has already been granted bail.

4. Learned State counsel has endorsed the factum of grant of bail to the co-accused of the petitioner as stated above and has not denied that the petitioner is at par with the co-accused, namely, Baljit Singh @ Gulli. He has placed on record the custody certificate of the petitioner.

5. After hearing learned counsel for the parties and perusing the



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record, it is deciphered that the petitioner was arrested in this case on 24.03.2025. Co-accused, namely, Baljit Singh @ Gulli is on bail and as stated before this Court, case of the petitioner is at par with that of the co-accused. Custody certificate of the petitioner shows that the petitioner has suffered incarceration of 01 year, 01 month & 23 days as on 21.05.2026. It further reflects that the petitioner has no criminal antecedents.

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 of law 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 the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient 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 to the petitioner on the basis of parity.

8. 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.

9. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

22.05.2026

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Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No