



CRM-M-29234-2026

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

CRM-M-29234-2026

Date of Decision: 26.05.2026

Jagdish Kumar @ Jagdish

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Kulbir Singh Sekhon, Advocate, for the petitioner.

Mr. Ekompal Sagoo, 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.05 dated 14.01.2025, under Section 15(c) of the NDPS Act, 1985 (Sections 27/29 of NDPS Act added lateron), registered at Police Station Kabarwala, District Sri Muktsar Sahib, Punjab.

2. Succinctly, facts of the case are that on 14.01.2025, when the police party in connection with checking of suspicious substance reached near T Point Burj Sidhwa, one horse trolley was seen coming from the Abohar side. The said vehicle was stopped. The same was driven by a hair cut person and another hair cut person was sitting beside him. On seeing the police, they tried to escape, however, they were apprehended on the spot. On asking, the driver of the vehicle disclosed his name as Jagdish Kumar (petitioner) and the person sitting beside him, disclosed his name as Maggi Lal. They were suspected to be carrying some contraband. Hence, their search was conducted. On conducting the search of the vehicle, 10 bales were recovered from the rear side out of which 09 bales were black in colour



and 01 bale was while in colour. After opening the mouths of these bales, poppy husk was recovered from the same. On weighing each bale, total 250 kg of poppy husk was recovered. They failed to produce any licence regarding the possession of the same. Thus, the FIR was registered and investigation commenced. Petitioner was arrested on the spot i.e. on 14.01.2025. He approached the Court of learned Judge, Special Court, Sri Muktsar Sahib praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 09.10.2025. Earlier the petitioner approached this Court by way of filing CRM-M-62809-2025, however, the same was dismissed as withdrawn vide order dated 12.03.2026. Hence, being aggrieved, petitioner is before this Court again praying for grant of regular bail by way of filing the present second 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, Mangi Lal. He has drawn the attention of this Court to a common order dated 25.05.2026 passed in **CRM-M-19507-2026**, whereby, co-accused Mangi Lal, has been granted regular bail by this Court. He submits that even otherwise, the petitioner is handicapped. 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, Mangi Lal. On instructions,



he submits that out of total 35 prosecution witnesses, none has been examined till date. He has placed on record the custody certificate of the petitioner.

5. After hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner was arrested in this case on 14.01.2025. Co-accused, namely, Mangi Lal is stated to be on regular bail and 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, 04 months & 01 day as on 23.05.2026. It further reflects that the petitioner is facing prosecution in two other cases, however, he is on bail in one case.

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. It is being clarified that in case the petitioner does not furnish bail/surety bonds within a period of one week from today, his custody will



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not be counted in the present case after one week.

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

26.05.2026		(RAJESH BHARDWAJ)
sharmila		JUDGE
	Whether Speaking/Reasoned :	Yes/No
	Whether Reportable :	Yes/No