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

CRM-M-29525-2026

Date of decision: 27.05.2026

Tek Chand**.....Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Gaurav Kalsi, Advocate
for the petitioner.

Mr. Raj Karan Singh, AAG, Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Petitioner has approached this Court by way of filing the present third petition praying for grant of regular bail to him in case FIR No.64 dated 04.06.2025, under Sections 20, 27-A (Section 29 added later on) of the NDPS Act, 1985, registered at Police Station Division Taragarh, District Pathankot.

2. Succinctly, the facts of the case are that the police party, while on patrolling on 04.06.2025, they saw a Mahindra Bolero carrier coming in which two persons were travelling. On seeing the police party, they got perplexed. The driver of the vehicle stopped and parked it, after which both the driver and the person seated on the conductor's seat fled towards a katcha passage through the fields. The police on suspicion, surrounded them and they were apprehended. The driver threw polythene envelope on road side. On asking, the driver of the car disclosed his name to be Tek Chand (present petitioner) whereas the person sitting on the conductor seat disclosed his name to be Maveen. On suspicion, polythene



bag which was thrown by the driver was checked. On conducting the search of the same, 1 kg 10 grams of Charas was recovered. They failed to produce any license regarding the possession of the same and thus, they were arrested at the spot. On registration of FIR, investigation commenced. The samples taken were sent to the FSL. On completion of the investigation, the challan was presented and on framing of charges, trial commenced. He approached the learned Judge, Special Court, Pathankot for grant of bail. However, after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Pathankot declined the bail application vide order dated 10.07.2025. Aggrieved by the same, petitioner earlier approached this Court twice by filing CRM-M-2685-2026 and CRM-M-11220-2026, which was dismissed as withdrawn vide orders dated 23.01.2026 and 27.03.2026, respectively. Hence, petitioner is before this Court praying for the grant of bail by way of filing the present third petition.

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, Manveen. He has drawn the attention of this Court to the order dated 28.01.2026 passed by this Court in CRM-M-52244-2025 whereby co-accused of the petitioner, namely, Maveen 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, Manveen, who has already been granted bail by this Court. He has submitted that recovery of 1 kg 10 grams of charas was effected, which falls within 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 11 months and 18 days as on 25.05.2026. It further reflects that the petitioner is not involved in any other. Admittedly, co-accused of the petitioner, namely, Maveen, has already been granted bail by this Court vide order dated 28.01.2026.

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.'*

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, Maveen who has already been granted regular bail by this Court vide order dated



28.01.2026 passed in CRM-M-52244-2025. 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.

27.05.2026
m.sharma

(RAJESH BHARDWAJ)
JUDGE

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