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

CRM-M-46584-2025

Kewal Singh

.....Petitioner

versus

State of Punjab

..... Respondent

CRM-M-55787-2025

Tara Singh

....Petitioner

versus

State of Punjab

....Respondent

Date of decision: 19.03.2026

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. L.S. Sekhon, Advocate and
Ms. Sweedel Goyal, Advocate (CRM-M-46584-2025) and
Mr. Ripudaman Singh Brar, Advocate (in CRM-M-55787-2025)
for the petitioner(s).

Mr. Raj Karan Singh, A.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. By way of this common order, this Court intend to dispose of abovesaid two petitions as they have arisen out of the same FIR.
2. Petitioners have approached this Court by way of filing the present petitions praying for grant of regular bail in case FIR No.71 dated 26.06.2024 under Sections 18, 27, 27-A, 27-B and 29 of NDPS, 1985 and Sections 52, 181 of Motor Vehicles Act, registered at Police Station Khuian Sarwar, District Fazilka.
3. Succinctly, facts of the case are that while patrolling the police party received a secret information on 26.06.2024 to the effect that Sukhyad



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Singh @ Yad, Tarsem Singh and Jugraj Singh are involved in smuggling of the opium, which they would be bringing from Jharkhand in Swift Car bearing registration No.PB-05-AC-5015. It was informed that in case of raid, they could be arrested alongwith the contraband. On receiving the information, raiding team was constituted and the vehicle as disclosed in the secret information was seen coming and thus, was stopped. All the three persons disclosed in the secret information were arrested alongwith 66 kgs of opium and Rs.40,000/- as drug money. On the registration of the FIR, the investigation commenced. During the investigation, complicity of the petitioners surfaced in the disclosure statements made by co-accused, namely, Sukhyad Singh and Jugraj Singh and thus, they were also arrayed as accused and thereafter, petitioner-Kewal Singh (in CRM-M-46584-2025) was arrested on 05.07.2024 and petitioner-Tara Singh (in CRM-M-55787-2025) was arrested on 11.07.2024. Petitioners approached the Court of learned Judge, Special Court, Fazilka praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merits in the applications filed by the petitioners, dismissed the same vide orders dated 03.04.2025 and 29.10.2024, respectively. Aggrieved by the same, petitioner-Tara Singh earlier approached this Court twice by way of filing of CRM-M-2173-2025 and CRM-M-26313-2025, however, the same were declined by this Court vide orders dated 21.01.2025 and 20.05.2025, respectively. Hence, he is before this Court praying for grant of regular bail by way of filing the present third petition. However, *qua* petitioner-Kewal Singh, present one is the first petition filed by him, praying for grant of bail.



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4. Learned counsels for the petitioners, at the outset, prays for the grant of bail on the basis of parity with that of the co-accused. They have drawn the attention of this Court to the order dated 16.02.2026 passed by this Court in **CRM-M-65276-2025**, whereby co-accused of the petitioners, namely, Gagandeep Singh has been granted the concession of bail. It is submitted that cases of the petitioners are at par with that of the co-accused, who has been granted bail by this Court. It is thus, submitted that on the basis of the parity, petitioners deserve to be granted bail as case of the petitioners are similar to that of the co-accused, who has already been granted bail.

5. *Per contra*, learned State counsel has vehemently opposed the submissions made by counsels for the petitioners. He has submitted that complicity of the petitioners was surfaced during the investigation. He submits that the contraband recovered in the present case is a huge commercial quantity and thus, provisions of Section 37 of NDPS Act are attracted. However, he has endorsed the fact that cases of the petitioners are at par with co-accused, namely, Gagandeep Singh, who has already been granted bail by this Court. He has placed on record the custody certificates of the petitioners.

6. The Court has heard learned counsel for the parties and perused the record. Evidently, the FIR in the present case was lodged on the basis of secret information. The petitioners were arrayed as accused in the present case on the basis of disclosure statement of the co-accused. The custody certificates reflects that petitioners have suffered incarceration of 01 year, 08 months & 07 days as on 18.03.2026. It further reflects that petitioners are



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involved in 02 more cases, respectively, however, in one case they are on bail and in another, they have been acquitted.

7. 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



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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.'

8. 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.

9. 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 counsels for the petitioners succeed in making out a case for grant of regular bail to the petitioners on the basis of parity.

10. Accordingly, present petitions are allowed and the petitioners are ordered to be released on bail on their furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

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

(RAJESH BHARDWAJ)
JUDGE

19.03.2026
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Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No