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

CRM-M-48256-2025

Date of decision: 02.02.2026

JASPREET SINGH ALIAS KAMAL**...PETITIONER****VERSUS****STATE OF PUNJAB****...RESPONDENT****CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. Amardeep Singh Mann, Advocate for the petitioner.

Mr. Raj Karan Singh, 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.186 dated 04.12.02024, under Sections 21(c) of NDPS Act, 1985, registered at Police Station Special Task Force, STF Wing, Sector-79, Sohana District SAS Nagar (Mohali) and (challan presented under Sections 21(c) and 27 of NDPS Act, 1985).

2. Succinctly, facts of the case are that on 04.12.2024, the police party while on patrolling received a secret information to the effect that Gurpreet Singh @ Peeti is involved in selling heroin and intoxicants. It was informed that he is exploiting young boys for selling the heroin and intoxicants. In case of raid, the persons could be arrested alongwith the contraband with which these young boys are dealing. On receiving the information, the raiding team reached at the place as disclosed. A young boy holding a black coloured polythene bag was seen standing there. On seeing the police, he got perplexed and tried to run away, but the police apprehended him. On asking, he disclosed his name to be Jaspreet Singh @ Kamal (present petitioner). He was suspected to be carrying some

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contraband in the polythene bag being carried by him. Thus, search of the polythene bag was conducted. On conducting search of the same, 300 grams of heroin was recovered. He failed to produced any licence regarding the possession of the same, and thus, on registration of the FIR, he was arrested at the spot The investigation commenced. Samples taken were sent to the FSL. On completion of investigation, challan was presented and on framing of charges, the trial commenced. The petitioner approached the Court of learned Judge, Special Court, Mansa 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 05.03.2025. Hence, the petitioner has approached this Court praying for grant of regular bail 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, Gurpreet Singh @ Pitti. He has drawn the attention of this Court to the order dated 22.12.2025, passed in CRM-M-57078-2025, whereby, co-accused Gurpreet Singh @ Pitti has been granted regular bail by this Court. He further submits that the petitioner has been falsely implicated in the present case. He submits that the FIR is registered on the basis of secret information but petitioner was not named in the secret information, however, there is violation of provisions of Section 42 of NDPS Act. He further submits that no independent witness has been joined and the provisions of Section 50 of the NDPS Act have been violated as well. He further submits recovery of 300 grams of heroin has been planted upon the petitioner. He further submits that petitioner is behind bars since 04.12.2024 and he is not involved in any other case. He further submits that in the facts and circumstances, the petitioner deserves to be granted regular bail.



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4. *Per contra*, 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, Gurpreet Singh @ Pitti. He submits that the petitioner was arrested at the spot and 300 grams of heroin was recovered from him, which falls within the category of commercial quantity. Thus, the rigours of Section 37 of the NDPS Act are attracted in the present case. He, on instructions, submits that 26 prosecution witnesses, remains to be examined. He has placed on record the custody certificate of the petitioner.

5. Heard.

6. On hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner was arrested at the spot. The alleged recovery has been effected from the public place. The similarly situated co-accused, namely, Gurpreet Singh @ Pitti has been granted bail by this Court vide order dated 22.12.2025, passed in CRM-M-57078-2025. Custody certificate produced would show that the petitioner has completed incarceration of 01 year, 01 month and 25 days as on 30.01.2026 and he is not involved in any other case. 26 prosecution witnesses, remains to be examined.

7. In view of the facts and circumstances of the present case, this Court cannot ignore the fact that the speedy trial is the fundamental right of every accused. 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.

20. xxxxx

21.it 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.

22. xxxxx

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.*

8. 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.

9. This Court would refrain itself from commenting anything on the

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merits of the case. Keeping in view, 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. Accordingly, the present petition is allowed. 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.

02.02.2026

*renubala***(RAJESH BHARDWAJ)
JUDGE**

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