



CRM-M-48762-2025

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

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CRM-M-48762-2025

Date of Decision: 10.03.2026

Yakub Mahis @ Yaqub

..... Petitioner

Versus

State of Punjab

.....Respondent

CRM-M-53063-2025

Date of Decision: 10.03.2026

Kuldeep Singh @ Keepu

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Vikas Gupta, Advocate, for the petitioner
in CRM-M-53063-2026.

Mr. Vikas Gupta, Advocate for

Mr. Dixit Garg, Advocate for the petitioner
in CRM-M-48762-2025.

Mr.Raj Karan Singh, AAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. By this order, the two above-mentioned petitions are disposed of, both having arisen out of the same FIR.

2. Prayer in the present petitions is for grant of regular bail to the petitioners in a case FIR No.47 dated 11.06.2024, registered under Sections 379-B, 34 IPC (Sections 21/29/61/85 of NDPS Act added lateron), at Police Station Raja Sansi, Amritsar Rural, District Amritsar.

3. Succinctly, facts of the case are that on 11.06.2024, the police party while on patrolling received a secret information to the effect that three persons snatched a gold chain and are riding on a motorcycle and in case of barricading, they could be arrested. On receiving the information, the Police party registered an FIR under Section 379-B read with Section 34 IPC and barricading was done at the place disclosed. A motorcycle was seen coming, on which three persons were riding. They all were stopped. On asking, the



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rider of the motorcycle disclosed his name to be Kuldeep Singh @ Keepu (petitioner in CRM-M-53063-2025), the person sitting in the middle disclosed his name to be Yakub Masih @ Yaqup (petitioner in CRM-M-48762-2025), whereas the third person sitting on the motorcycle disclosed his name to be Baljit Singh. Their search was conducted and on conducting search, nothing was recovered from Kuldeep Singh @ Keepu, one iron *Daat* was recovered from Yakun Masih @ Yaqup, whereas, from Baljit Singh, one gold chain was recovered. All three were arrested on the spot. On completion of the investigation, the challan was presented and on framing of charges, the trial commenced. The petitioners approached the Court of learned Additional Sessions Judge, Amritsar praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail applications filed by the petitioners vide order dated 07.09.2024 and 19.12.2024, respectively. Earlier, petitioner Yakub Masih @ Yaqup approached this Court by way of filing CRM-M-18890-2025, however, the same was dismissed as not pressed vide order dated 21.04.2025. Hence, petitioner Yakub Masih @ Yaqup has again approached this Court praying for grant of regular bail by way of filing the present second petition, whereas, petitioner Kudeep Singh @ Keepu has again approached this Court by way of filing the present first petition.

4. It has been vehemently contended by learned counsel for the petitioners that the petitioners have been falsely and frivolously implicated in the present case. He submits that admittedly the FIR has been registered against the petitioners on the basis of secret information and thereafter, recoveries have been planted on them regarding gold chain and iron *Daat*.



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He submits that the alleged recovery was effected from a public place, however, no independent witness has been joined at the time of recovery. It is also submitted that after having been arrested the petitioners, another recovery of 272 grams of heroin was planted on them. To buttress his arguments, he submits that the petitioners have no criminal antecedents as they are not involved in any other criminal case and hence, their false implication is writ large. It is submitted that the petitioners are behind the bars from the last more than 1½ years, however, there is progress in the trial, and thus, their right of speedy trial is miserably defeated. He, thus, submits that in the overall facts and circumstances, the petitioners deserve to be granted regular bail.

5. *Per contra*, learned State counsel has vehemently controverted the submissions made by counsel for the petitioners. It is submitted that on receiving specific secret information regarding snatching committed by the petitioners, barricading was laid and the petitioners alongwith co-accused Baljit Singh, were arrested on the spot when they were coming on motorcycle. He submits that from their personal search, one iron *daat* and one gold chain were recovered. He further submits that 272 grams of heroin was also recovered on the disclosure statement of the petitioners. He submits that the contraband recovered falls under the commercial quantity and thus, provisions of Section 37 of the NDPS Act are attracted. On instructions, he submits that out of total 14 prosecution witnesses, none has been examined till date. He has placed on record the custody certificates of the petitioners.

6. After hearing counsel for the parties and perusing the record, it is deciphered that as per the case of the prosecution, FIR in the present case



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was lodged on the basis of secret information. Recovery of iron daat and that of gold chain was effected from a public place. There is nothing on record to show that that the petitioners are involved in any other case. Out of total 14 prosecution witness, none has been examined. The custody certificates would show that the petitioners have suffered incarceration of 01 year, 08 months & 21 days as on 09.03.2026.

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 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. 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 petitioners succeeds in making out a case for grant of regular bail to the petitioners.

9. Accordingly, the 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.

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

(RAJESH BHARDWAJ)
JUDGE

10.03.2026
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Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No