



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

CRM-M-63766-2025

Date of Decision: 19.02.2026

Daler Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Rakesh Kumar, Advocate
for the petitioner.

Mr. Raj Karan Singh, AAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Petitioner has approached this Court by way of present petition praying for granting him regular bail in case FIR No.47 dated 06.03.2024 under Sections 21, 25, 29, 61 and 85 of NDPS Act registered at Police Station Gharinda, District Amritsar.

2. Succinctly the facts of the case are that the Police party while on patrolling on 06.03.2024 saw two men on activa. On seeing the police, they got perplexed and made an attempt to reverse the activa, however, the vehicle slipped and they fell down. Both were apprehended on suspicion. On asking, the driver of activa disclosed his name as Mangal Singh whereas the person who was riding pillion disclosed his name as Daler Singh (present petitioner). They were suspected to be carrying some contraband and thus, they were given an offer to be searched. On conducting search of Daler Singh, an envelope was recovered from the coat which he was wearing and from the search of Mangal Singh,



nothing was recovered. On examination of the envelope, it was found to be containing 500 grams of heroin. They failed to produce any license regarding possession of the same and hence, the FIR was registered and both were arrested on spot. The investigation commenced. On conclusion of investigation, challan was presented. The petitioner approached the Learned Judge, Special Court, Amritsar praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned Judge, Special Court, Amritsar vide order dated 14.05.2025. Aggrieved by the same, the petitioner is before this Court by way of filing of present petition for grant of bail.

3. Learned counsel for the petitioner, at the outset, prays for the grant of bail on the basis of parity with that of the co-accused. He has drawn the attention of this Court to the order dated 04.08.2025 passed by this Court in CRM-M-12276-2025, whereby co-accused of the petitioner, namely, Mangal Singh, has been granted the concession of bail. He submits that on the basis of the parity, petitioner deserves to be granted bail as case of the petitioner is similar to that of the co-accused, who has already been granted bail.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioners. He endorsed the fact that case of the petitioner is at par with co-accused, namely, Mangal Singh, who has already been granted bail by this Court. He has produced the custody certificate of the petitioner today in the Court and the same is taken on record.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the present FIR has been lodged on the basis of the secret information. The contraband recovered from the petitioner is 500 grams of heroin, which falls under the category of commercial quantity. As per the custody



certificate, the petitioner has completed an incarceration of 01 year, 11 months and 12 days as on 18.02.2026. It further reflects that the petitioner is involved in five other cases and is on bail in three cases. Admittedly, co-accused of the petitioner, namely, Mangal Singh, has already been granted bail by this Court vide order dated 04.08.2025 passed in CRM-M-12276-2025.

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.

20. xxxxx xxxx xxxx

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 xxxx 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.

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.

8. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Thus, keeping in view the arguments raised by both the sides, 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 parity.

9. 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. In case, the bail bonds are not furnished by the petitioner during the period of 07 days from today, then his further custody period after one week will not be counted in the present case.

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

19.02.2026

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**(RAJESH BHARDWAJ)
JUDGE**

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No