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

CRM-M-67733-2025

Date of decision : 25.03.2026

Rohit Kumar

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Raj Kumar Gupta, Advocate
for the petitioner.

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

RAJESH BHARDWAJ, J. (Oral)

1. Present third petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.09 dated 19.01.2024, under Sections 21(c), 25, 29/61 of the NDPS Act, 1985, registered at Police Station Sadar, Nakodar, District Jalandhar.

2. Succinctly the facts of the case are that the police party, while on patrolling on 19.01.2024, received a secret information to the effect that Jagdev Singh and Gurjit Singh were involved in selling of heroin. It was informed that they were coming on their Bullet motorcycle, which was without number plate, to sell the contraband to their customers in Nakodar area and in case of barricading, they could be apprehended along with the contraband. On receiving the secret information, the police laid the barricading at the place as disclosed in the secret information and the motorcycle, as disclosed, was seen on which 02 young boys were coming.

However, on suspicion, the same was stopped by the police party. The



pillion rider was carrying a kit bag on his shoulder. On asking, driver of the motorcycle disclosed his name to be Jagdev Singh and the person sitting pillion disclosed his name to be Gurjit Singh, who was carrying a kit bag. They were suspected to be carrying some contraband and thus the search was conducted. On conducting the search of Jagdev Singh, 502 grams of heroin was recovered from the left pocket of his jacket, whereas from the search of kit bag being carried by the pillion rider, 02 Kgs 500 grams of heroin was recovered. The total contraband, on weighing, was found to be 3.2 Kgs of heroin. They failed to produce any licence regarding the conscious possession of the same, thus, the FIR was registered and both were arrested on the spot. On registration of the FIR, the investigation commenced. During investigation, complicity of the petitioner was surfaced in the present case on the basis of disclosure statement made by co-accused, Gurjeet Singh and thus, he was arrested on 05.03.2024. The samples taken were sent to the FSL. On completion of the investigation, the challan was presented and on framing of charges, the trial commenced. The petitioner approached the Court of learned Judge, Special Court, Jalandhar praying for the grant of bail, however after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Jalandhar declined the bail application filed by the petitioner vide order dated 31.05.2024. Being aggrieved, the petitioner approached this Court twice by way of filing of CRM-M-31533-2024, and CRM-M-59746-2024, which were declined by this Court vide orders dated 10.07.2024 and 28.08.2025, respectively. Hence, the petitioner is before this Court by way of filing the present third petition.

3. Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case. He submits that



the petitioner has been implicated on the basis of disclosure statement of co-accused, Gurjeet Singh. It is submitted that the disclosure statement of the co-accused, is not even an admissible evidence. To buttress his arguments, he submits that co-accused, namely, Gurjeet Singh, on whose disclosure statement, the petitioner was named in the FIR, has already been released on bail by this Court vide separate order of even date passed in CRM-M-12903-2026. He submits that on the basis of parity with co-accused, namely, Jasdev Singh @ Veeru, who has already been granted bail by this Court vide order dated 02.12.2025 passed in CRM-M-66320-2025, the present petitioner deserves to be granted regular. He submits that the petitioner is behind bars from last more than 2 years, however, there is no material progress in the trial. He thus, submits that in the facts and circumstances, the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by the counsel for the petitioner. He has submitted that the complicity of the petitioner was surfaced during investigation of the co-accused. He submits that petitioner is a habitual offender, who is involved in one more case of similar nature. He further submits that the alleged recovery in the present case is of commercial quantity and thus, provisions of Section 37 of NDPS Act, are attracted in the present case. He, on instructions, has submitted that out of total 13 prosecution witnesses, only 02 witnesses have been examined so far. He has produced the custody certificate of the petitioner on record. However, he has endorsed the fact that case of the petitioner is at par with co-accused, namely, Jasdev Singh @ Veeru, who has already been granted bail by this Court vide order dated 02.12.2025 passed in CRM-M-66320-2025.



5. On hearing counsel for the parties and perusing the record, it is deciphered that the petitioner was arrayed as an accused in the present case only on the basis of disclosure statement of the co-accused. The alleged recovery in the present case is of commercial quantity. As per custody certificate, the petitioner has suffered an incarceration of 02 years and 18 days as on 19.1.2026. It further reflects that the petitioner is involved in 01 more case. Admittedly, co-accused of the petitioner has been granted bail. Needless to say that every accused has fundamental right of speedy trial.

6. 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.*

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. The Hon’ble Supreme Court in *Ashim @ Asim Kumar Haranath Bhattacharya @ Asim Harinath Bhattacharya @ Aseem Kumar Bhattacharya Vs. National Investigation Agency, 2022(1) SCC 695* has held as under:

“Deprivation of personal liberty without ensuring speedy trial is not consistent with Article 21 of the Constitution of India. While deprivation of personal liberty for some period may not be avoidable, period of deprivation pending trial/appeal cannot be unduly long. At the same time, timely delivery of justice is part of human rights and denial of speedy justice is a threat to public confidence in the administration of justice.”

9. The Hon’ble Supreme Court in a recent decision dated 03.07.2024 in ‘**Javed Gulam Nabi Shaikh Vs. State of Maharashtra,**



Criminal Appeal No. 2787 of 2024’, has held that howsoever serious a crime may be, an accused has the right to speedy trial under the Constitution of India.

10. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, 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, Jagdev Singh @ Veeru, who has already been granted regular bail by this Court vide order dated 02.12.2025 passed in CRM-M-66320-2025. 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 Court/Duty Magistrate.

11. 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.

(**RAJESH BHARDWAJ**)
JUDGE

25.03.2026
ps-I

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