



141

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

**CRM-4449-2026 in/and
CRM-M-69247-2025
Date of decision : 19.02.2026**

Vijay Kumar

....Petitioner

versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Satnam Singh Gill, Advocate and
Ms. Manjot Kaur, Advocate
for the petitioner.

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

RAJESH BHARDWAJ, J. (Oral)

1. The petitioner has approached this Court by way of filing **CRM-4449-2026** seeking grant of interim bail to the petitioner on medical grounds. However, the main petition filed by the petitioner is for grant of regular bail which is fixed for hearing on 16.03.2026. The Court finds it appropriate that the main case itself be preponed to today.
2. Present fourth petition has been filed for grant of regular bail in case FIR No.42 dated 28.06.2021, under Sections 22 and 25 of Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 29 of NDPS Act, added lateron), registered at Police Station Thulliwal, District Barnala.
3. Succinctly the facts of the case are that the Police party while on patrolling on 28.06.2021, received a secret information to the effect that Balwinder Singh @ Sappy was involved in selling of intoxicant tablets. It was informed that he would come in his white coloured car



bearing No.MH-14GD-3625 make *I-10* from Sherpur-Malerkotla. If the barricading is laid, he could be arrested along with the contraband. On receiving the secret information, the police laid the barricading and the car as disclosed was seen coming. The same was stopped by the police. On asking, driver of the vehicle disclosed his name to be Balwinder Singh @ Sappy. He was suspected to be carrying some contraband and thus, search was conducted. On conducting the search of the *diggy* of the car, 55000 tablets of Tramadol were recovered. He failed to produce any license regarding possession of the same and thus, the FIR was registered and he was arrested on spot. The investigation commenced. During investigation, he made a disclosure on 29.06.2021, wherein complicity of the petitioner and that of another co-accused, namely, Pardeep Singh, was surfaced and thus, they were also arrayed as an accused in the present FIR. Though, Pardeep Singh could be arrested, however, petitioner could not be arrested and later on he was arrested 31.08.2024. During this period, the trial was concluded qua rest of the accused wherein Balwinder Singh @ Sappy who is the brother of the petitioner, was convicted by the trial Court whereas Pradeep Singh was acquitted and now the petitioner is the only accused who is under trial. The petitioner approached the Learned Judge, Special Court, Barnala praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned Judge, Special Court, Barnala vide order dated 11.10.2024. Aggrieved by the same, the petitioner earlier approached thrice this Court by way of filing of CRM-M-60348-2024, CRM-M-15582-2025 and CRM-M-47846-2025, however, the same were dismissed as withdrawn/not pressed by this Court vide orders dated 09.12.2024, 06.05.2025 and 03.09.2025, respectively. Hence, petitioner is before this Court by way of filing of present fourth petition



for grant of bail.

4. Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case. He submits that neither the petitioner was named in the secret information nor any recovery was effected from him. He submits that he has been implicated in the present case on the basis of disclosure statement of co-accused, namely, Balwinder Singh @ Sappy, who is brother of the petitioner. It is submitted that thus, it is that the petitioner has been arrayed as an accused on the basis of disclosure statement of co-accused. He submits that though the petitioner has been prosecuted in other cases as well, however in majority of the cases he has been acquitted and in the remaining one case, he has already undergone the sentence awarded. It is submitted that the disclosure statement of co-accused in itself is not an admissible evidence. He submits that besides the merits of the case, the petitioner is a chronic patient of TB. He has also produced the medical record of the petitioner. He submits that this Court had directed the respondent-State to verify the same and the status report regarding the same has also been placed on record by the respondent-State. He thus, submits that the petitioner, on the basis of merits of the case and on his medical condition, deserves to be granted bail. He submits that though brother of the petitioner, namely, Balwinder Singh @ Sappy has been convicted but co-accused Pardeep Singh, who was also implicated on the basis of disclosure statement of Balwinder Singh @ Sappy, has been acquitted by the trial Court.

5. Status report by way of short affidavit of Mr. Shivraj Singh, Superintendent District Jail, Barnala has been filed on behalf of respondent-State in the Court today, same is taken on record.

6. Per contra, learned State counsel has opposed the



submissions made by the counsel for the petitioner and submits that the petitioner is a habitual offender, who has been prosecuted in multiple other cases of similar nature. He submits that the petitioner was associated with his co-accused Balwinder Singh @ Sappy who is none other than his brother, who has already been convicted by the trial Court. He submits that the alleged recovery effected in the present case is of 55000 tablets of tramadol weighing 21248.15 grams, which falls under the 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 05 prosecution witnesses, none has been examined so far. He has placed the custody certificate and the medical status report of the petitioner, on record.

7. After hearing counsel for the parties and perusing the record, it is deciphered that the secret information in the present case was received *qua* the brother of petitioner i.e. Balwinder Singh @ Sappy. The petitioner has been arrayed as an accused on the basis of disclosure statement of co-accused Balwinder Singh @ Sappy. The petitioner was subsequently arrested on 31.08.2024. The alleged recovery effected in the present case is of commercial quantity. Co-accused, Pardeep Singh who was also arrayed as an accused on the basis of disclosure statement, has already been acquitted by the trial Court.

8. The perusal of the medical report produced by the respondent-State by way of short affidavit of Mr. Shivraj Singh, Superintendent District Jail, Barnala, would read as under:-

'It is for your kind information that the above said inmate in subject has history of Pulmonary Koch's (Tuberculosis) in year 2020-2021, for which inmate has completed the course of ATT (Anti Tubercular



Therapy) but due to tuberculosis, inmate has developed Bronchiectasis & Asthma as post sequelae of tuberculosis due to which inmate complain of breathnesness with cough with pain in chest as the weather changes. But, inmate is taking regular medicine from Dispensary, District Jail, Barnala with follow up as per prescription of Chest & Tuberculosis. Specialist at Civil Hospital Barnala. Relevant record attached herewith. This is for your information please.'

Needless to say that the petitioner in the present case has been arrayed as an accused on the basis of disclosure statement of co-accused. His medical condition regarding suffering from Pulmonary Koch's (Tuberculosis) has been placed on record. It has been mentioned that he is still under medication for the disease. As per custody certificate, the petitioner has suffered incarceration of 01 year, 05 months and 18 days as on 18.02.2026. It further reflects that though the petitioner is involved in other cases as well, however, in majority of the cases he is on bail; has been acquitted/discharged or undergone the sentence awarded.

9. 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.

10. 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. 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 to the petitioner.

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

12. Consequently, application bearing CRM No.4449 of 2026, stands disposed of as having been rendered infructuous.

19.02.2026
ps-I

Whether speaking/reasoned

Whether reportable

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JUDGE

Yes/No

Yes/No

POOJA SHARMA
2026.02.20 15:20
I attest to the accuracy and
integrity of this document