



CRM-M-72700-2025

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

CRM-M-72700-2025

Date of decision: 09.01.2026

RAKESH SINGH @ LOVE

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Vikrant Rana, 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.20, dated 01.04.2025, under Section 21, 25, 29 and 27-A of NDPS Act, 1985, registered at Police Station Bhindi Saidon, District Amritsar Rural.

2. Succinctly the facts of the case are that the police party, on 01.04.2025, had laid the barricading and were checking the vehicles. During this period, they saw 02 young men approaching the village of Bhindi Saidon coming on the motorcycle. On seeing the police, they got perplexed and after stopping the motorcycle, threw 02 plastic envelops taking out from the respective pockets of their trousers. On suspicion, the police party intercepted them. However, on asking, driver of the motorcycle, disclosed his name to be Rakesh Singh @ Love (petitioner), whereas the person riding pillion, disclosed his name to be Surjit Singh. They were suspected to be carrying

some contraband in the plastic envelops having been thrown by them and thus,



the search of the same was conducted. On conducting the search of plastic envelope being thrown by Rakesh Singh @ Love (petitioner), 155 grams of heroin was recovered, whereas on conducting the search of the envelope being thrown by Surjit Singh, 106 grams of heroin was recovered and thus, in total weighing 261 grams of heroin was recovered from both the envelopes. 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. The samples taken were sent to the FSL. On receipt of the FSL, the challan was presented and on framing of charges, the trial commenced. The petitioner approached the Court of learned Judge, Special Court, Amritsar praying for the grant of bail, however after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Amritsar declined the bail application filed by the petitioner vide order dated 26.05.2025. Hence being aggrieved, the petitioner is before this Court by way of filing the present petition praying for the grant of regular bail.

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, Surjit Singh. He has drawn the attention of this Court to the order dated 28.11.2025, passed in CRM-M-39366-2025, whereby, co-accused Surjit Singh has been granted regular bail by this Court. He submits that the petitioner is behind bars since 01.04.2025. He submits that on the basis of the parity, the petitioner deserves to be granted bail as the case of the petitioner is similar to that of the said co-accused, who has already been granted bail.

4. 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, namely, Surjit Singh. He further submits that the contraband weighing 155 grams of heroin was recovered from the plastic envelop having been thrown by the petitioner, whereas from the co-accused, 106 grams of heroin was recovered and thus, the total recovery effected in the present case is 261 grams of heroin, which is a commercial quantity and thus, the provisions of Section 37 of NDPS Act are attracted. He has produced custody certificate of the petitioner today in the Court and the same is taken on record.

5. After hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner is behind bars since 01.04.2025. Co-accused, namely, Surjit Singh is on bail and the case of the petitioner as stated is at par with him. As submitted before this Court, the petitioner has completed incarceration of about 09 months and 03 days and he is not involved in any other case.

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.

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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. This Court would refrain itself from commenting anything on the merits of the case. 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 the basis of parity. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the



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

09.01.2026
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(RAJESH BHARDWAJ)
JUDGE

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