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

**CRM-M No.72864 of 2025 (O&M)
Date of Decision: 09.01.2026**

Kerry Saharwal @ Gobi

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

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

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

RAJESH BHARDWAJ, J. (ORAL)

CRM-52503-2025

Allowed as prayed for.

CRM-M-72864-2025

1. Present second petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.68, dated 17.07.2024, under Sections 21(C), 25, 29, 61 & 85 of NDPS Act, 1985, registered at Police Station Shimlapuri, District Ludhiana.

2. Succinctly the facts of the case are that the police party was on patrolling on 17.07.2024 and when they reached near Mohalla Guru Gobind Singh Nagar, they saw that 03 young men standing near a motorcycle bearing registration No.PB-10-FX-7257 and were checking a black coloured hand bag. As soon as they saw, the police party coming towards



them. They got perplexed and threw the hand bag on the ground and tried to escape. However, on suspicion, the police party caught them. On asking, they disclosed their names to be Kerry Sabharwal @ Gobi (petitioner), Jashanpreet Singh @ Ladi and Amanpreet Singh @ Gugli. They were suspected to be carrying some contraband in the plastic bag having been thrown and thus, the same was searched. On conducting the search of the bag, 330 grams of heroin was recovered. They failed to produce any licence regarding the conscious possession of the same, thus the FIR was registered and all 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, Ludhiana praying for the grant of bail, however after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Ludhiana declined the bail application filed by the petitioner vide order dated 05.10.2024. Being aggrieved, the petitioner earlier approached this Court by way of filing CRM-M-10219-2025 praying for the grant of bail, however the same was dismissed as not pressed vide order dated 27.02.2025. Hence being aggrieved, the petitioner is again before this Court by way of filing the present second petition praying for the grant of regular bail.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. He, at the outset, prays for the grant of bail to the petitioner on the basis of parity with that of the co-accused, namely, Jashanpreet Singh @ Ladi. He has drawn the attention of this Court to the order dated 27.11.2025, passed in **CRM-M-**



40848-2025, whereby, co-accused, namely, Jashanpreet Singh @ Ladi has been granted regular bail by this Court. He has submitted that the petitioner is behind bars since 17.07.2024. He has submitted 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 counsel for the State has vehemently opposed the submissions made by learned counsel for the petitioner. He has submitted that the recovery effected from the petitioner and co-accused was found to be 330 grams of heroin, which is a commercial quantity and thus, the provisions of Section 37 of NDPS Act are attracted. He however 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, Jashanpreet Singh @ Ladi. He has produced custody certificate of the petitioner today in the Court, which is taken on record.

5. Heard.

6. On hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner along with the co-accused was arrested on 17.07.2024 and since then, he is behind bars. The recovery of 330 grams of heroin has been effected from the public place, which is a commercial quantity. Custody certificate produced would show that the petitioner has suffered incarceration of 01 year, 05 months and 19 days as on 08.01.2026. It further reflects that the petitioner has no criminal antecedents as he has never been involved in any other case. Co-accused of the petitioner, namely, Jashanpreet Singh @ Ladi has already been granted regular bail by this Court.



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:-

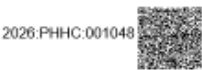
19. A plain and literal interpretation of the conditions under Section 37 (i.e., that Court should be satisfied that the accused is not guilty and would not commit any offence) would effectively exclude grant of bail altogether, resulting in punitive detention and unsanctioned preventive detention as 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.

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.”

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.
9. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides and perusing the record, the Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for the grant of bail on the basis of parity.
10. 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.

(RAJESH BHARDWAJ)
JUDGE

09.01.2026

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