

234

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.989 of 2026
Date of decision: 19.01.2026

Jagjit Singh @ Kulvir Singh @ Jaggu

..... Petitioner

Versus

State of Punjab

..... Respondent

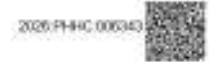
CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Aajeshwar Singh Grewal, Advocate
for the petitioner.

Mr. Raj Karan Singh, Asstt. A.G., 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.126, dated 10.10.2024, under Sections 21(c)/61/85 of NDPS Act, registered at Police Station Nehianwala, District Bathinda.
2. Succinctly, the facts of the case are that the police party was on patrolling on 10.10.2024 and when they reached near village Bhokhra, they saw three young men sitting at the bus stand holding a white cloth bag in their hands. A battery powered scooter without number plate was also parked near them. On suspicion, all the three were apprehended. On asking, they disclosed their names to be Jagjit Singh @ Kulvir Singh @ Jaggu (petitioner), Gagandeep Singh @ Gagna and Amandeep Singh. They were suspected to be



giving the offer, the same was searched. On conducting the search, 514 grams of heroin was recovered. All of the accused persons failed to produce any license regarding the conscious possession of the same. Thus, the FIR got registered and all were arrested on the spot. After registration of the FIR, the investigation commenced. 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, Bathinda praying for the grant of bail. However, after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Bathinda declined the bail application filed by the petitioner vide order dated 17.09.2025. Hence being aggrieved, the petitioner is before this Court praying for the grant of regular bail by way of filing the present petition.

3. 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, Gagandeep Singh @ Gagna and Amandeep Singh. He has drawn the attention of this Court to the order dated 11.12.2025 passed in **CRM-M-34974-2025 and CRM-M-36471-2025**, whereby, co-accused, namely, Gagandeep Singh @ Gagna and Amandeep Singh have been granted regular bail by this Court. He submits that the petitioner is in custody since 10.10.2024. 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 have 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



and Amandeep Singh. He has submitted that the recovery effected in the present case is 514 grams of heroin, which is a commercial quantity and thus, provisions of Section 37 of NDPS Act are attracted. He has submitted that the petitioner is involved in 02 other cases. He has produced custody certificate of the petitioner today in the Court, which is taken on record.

5. Heard.

6. After hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner is behind bars since 10.10.2024. Co-accused, namely, Gagandeep Singh @ Gagna and Amandeep Singh are on bail and the case of the petitioner as stated is at par with them. Custody certificate produced would show that the petitioner has suffered an incarceration of 01 year, 03 months & 01 day as on 17.01.2026. It further reflects that the petitioner is not involved in any other case.

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(s) are 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

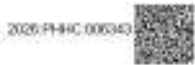
21.it would be important to reflect that laws which impose stringent conditions for grant of bail, may be necessary in public interest; yet, if trials are not concluded in time, the injustice wrecked on the individual is immeasurable.

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. The trial of the case will take sufficiently long time.

9. 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. Accordingly, the present petition is allowed. 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.

19.01.2026

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

(RAJESH BHARDWAJ)
JUDGE