



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

**CRM-M-73925-2025
Date of Decision: 14.01.2026**

Sandeep Kumar @ Sonu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Amardeep Singh Gill, Advocate
for the petitioner.

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

RAJESH BHARDWAJ, J. (ORAL)

1. Petitioner has approached this Court by way of present second petition praying for granting regular bail in case FIR No.42 dated 18.04.2024 under Sections 20(c), 61, 85 of NDPS Act and Section 27-A of NDPS Act (added lateron), registered at Police Station City Nakodar, District Jalandhar.

2. Succinctly the facts of the case are that the Police party while on patrolling on 18.04.2024, received a secret information to the effect that Sandeep Kumar @ Sonu (present petitioner) and Gurdial Singh @ Bagga were involved in selling of intoxicant *charas*. It was informed that they would come on their Aactiva No.PB-08-CZ-7874 and would go towards Malari village along with large quantity of *charas* to sell the same to their customers. In case the barricading is laid, they could be arrested along with contraband. On receiving the secret information, the raiding party reached at the place disclosed and laid the barricading. A scooter, as disclosed, was seen coming and two persons



were riding the same, they were stopped. On asking, the person driving the scooter disclosed his name to be Gurdial Singh @ Bagga and the person sitting pillion with a bag, disclosed his name to be Sandeep Kumar @ Sonu (present petitioner). They were suspected to be carrying some contraband in the bag and thus, on giving the offer, search was conducted. On conducting the search of the bag, 05 kgs of *charas* was recovered. They failed to produce any license regarding possession of the same and hence, the FIR was registered and they were arrested on spot. The investigation commenced. The samples taken were sent to the FSL. On receipt of FSL report, challan was presented and on framing of charges, trial commenced. The petitioner approached Learned Judge, Special Court, Jalandhar praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned trial Court vide order dated 20.08.2024. Aggrieved by the same, the petitioner earlier approached this Court by way of filing of CRM-M-27949-2025 and the same was dismissed as withdrawn on 26.05.2025. Hence, the petitioner is before this Court by way of filing of present second petition for grant of bail.

3. Learned counsel for the petitioner, at the outset, prays for the grant of bail on the basis of parity with that of the co-accused. He has drawn the attention of this Court to the order dated 12.12.2025 passed by this Court in **CRM-M-56564-2025**, whereby co-accused of the petitioner, namely, Gurdial Singh @ Bagga, has been granted the concession of bail. He has submitted that case of the petitioner is at par with that of the co-accused, who has been granted bail by this Court. He submits that on the basis of the parity, petitioner deserves to be granted bail as case of the petitioner is similar to that of the co-accused, who has already been granted bail.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. He submits that the recovery effected in the



present case is 05 kgs of *charas*, which falls under the category of commercial quantity and thus, provisions of Section 37 of NDPS Act, are attracted in the present case. He endorsed the fact that case of the petitioner is at par with co-accused, namely, Gurdial Singh @ Bagga, who has already been granted bail by this Court.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the present FIR was registered on the basis of secret information. The petitioner is behind bars since the date of his arrest i.e. 18.04.2024. Admittedly, co-accused of the petitioner, namely, Gurdial Singh @ Bagga, has already been granted bail by this Court vide order dated 12.12.2025 passed in **CRM-M-56564-2025**.

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 the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court.

8. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Thus, 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.

9. 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.

10. 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.

14.01.2026
ps-I

(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned	:Yes/No
<i>Whether reportable</i>	: <i>Yes/No</i>