



CRM-M-1408-2026

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

CRM-M-1408-2026

Date of Decision: 20.01.2026

Kulwant Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Ms. Janya Sirohi, Advocate for
Mr. Karandeep Singh Sidhu, Advocate, for the petitioner.
Mr.Raj Karan Singh, AAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for grant of regular bail to the petitioner in a case FIR No.120 dated 24.07.2024, registered under Sections 15(C) of NDPS Act (Section 29 of NDPS Act added lateron vide GD No.02 dated 25.07.2024 and Section 27 of NDPS Act was added vide DDR No.47 dated 25.07.2024) at Police Station Lambi, District Muktsar Sahib.

2. Succinctly the facts of the case are that the police party, while on patrolling on 24.07.2024, received a secret information to the effect that Gurbachan Singh S/o Gurnam Singh is involved in selling of poppy husk. It was informed that he has stored heavy quantity of poppy husk in his house and in case of raid, he could be apprehended along with the contraband. On receiving the secret information, the raiding party was constituted and reached at the place, as disclosed in the secret information, where Gurbachan Singh was found present. Thereafter, search of the house of Gurbachan Singh was conducted and on conducting the search, 03 quintals of poppy husk were recovered from his house. He failed to produce any licence regarding the conscious possession of the same. Thus, the FIR was registered and he was arrested on the spot. On registration of the FIR, the



investigation commenced. The samples taken were sent to the FSL. On receiving the FSL report, the challan was presented and on framing of charges, the trial commenced. During the investigation, Gurbachan Singh made a disclosure statement about the complicity of the petitioner alleging him to be the supplier of the contraband. Thus, the petitioner was arrayed as an accused in the present case and resultantly, he was arrested in this case. The petitioner approached the Court of learned Judge, Special Court, Sri Muktsar Sahib praying for the grant of bail. However, after hearing both the sides and finding no merit in the same, learned trial Court declined the bail application filed by the petitioner vide order dated 18.11.2025. Hence being aggrieved, the petitioner is before this Court praying for the grant of 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, Rajpreet Singh @ Raju. He has drawn the attention of this Court to the order dated 18.11.2025 passed in **CRM-M-63777-2025**, whereby, co-accused Rajpreet Singh @ Raju has been granted regular bail by this Court. He submits that the petitioner was arrayed as accused in the present case on the basis of the disclosure statement of the co-accused. 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, Rajpreet Singh @ Raju. He



has placed on record the custody certificate of the petitioner.

5. After hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner has been arrayed as accused in the present case on the basis of disclosure statement of the co-accused. Co-accused, namely, Rajpreet Singh @ Raju is on bail and the case of the petitioner as stated is at par with him. Custody certificate of the petitioner shows that the petitioner has suffered incarceration of 04 months & 27 days as on 18.01.2026. It further reflects that the petitioner is involved in nine other cases, however, except one case, he is on bail in those cases.

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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21it 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.

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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 satisfaction of the concerned trial Court/Duty Magistrate.

8. It is being clarified that in case the petitioner does not furnish bail/surety bonds within a period of one week from today, his custody will not be counted in the present case after one week.

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

20.01.2026
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(RAJESH BHARDWAJ)
JUDGE

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No