



CRM-M-19894-2025

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

**CRM-M-19894-2025**

Date of Decision: 28.07.2025

Dilbagh Singh @ Bagha

..... Petitioner

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. Rishu Mahajan, Advocate for the petitioner.

Ms. Simran Gorla, AAG, Punjab.

**Rajesh Bhardwaj, J. (ORAL)**

1. Present third petition has been filed for grant of regular bail to the petitioner in case FIR No.251 dated 21.08.2023, under Sections 21, 23, 28, 29 & 30 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station STF, District SAS Nagar, Mohali.

2. Succinctly the facts of the case are that on 21.08.2023, the police party while on patrolling, received a secret information to the effect that Dilbag Singh @ Baga (petitioner) and Dhir Singh @ Dhira, were involved in smuggling of heroin and they were carrying out the same from the smugglers across the border. In case of raid at their house, contraband could be recovered. On receiving the information, the raiding party was constituted and the house of Dilbag Singh was raided, who was arrested. Thereafter, the raiding party raided the house of co-accused Dhir Singh and he was also arrested. On the disclosure statement of Dhir Singh, 01 kg heroin was recovered from his house on the next date i.e. 22.08.2023. They failed to produce any licence regarding the possession of the same and thus, on registration of FIR, the investigation commenced. On completion of investigation, challan was presented and on framing of charges, the trial



Court commenced with the trial. The petitioner approached the learned Additional Sessions Judge, Amritsar for grant of bail, however, after hearing both the sides, the same was declined by the learned Additional Sessions Judge, Amritsar vide order dated 16.10.2023. Aggrieved by the same, the petitioner earlier approached this Court twice by way of filing CRM-M-11457-2024 and CRM-M-50738-2024 for the grant of regular bail, however, the same were dismissed as withdrawn vide orders dated 23.05.2024 and 28.01.2025, respectively. Hence, the petitioner is before this Court by way of filing the present third 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, Dhir Singh @ Dheera. He has drawn the attention of this Court to the order dated 25.07.2025 passed in **CRM-M-12830-2025**, whereby, co-accused Dhir Singh @ Dheera has been granted regular bail by this Court. He submits that the petitioner is on better footing than the said co-accused, as no recovery has been effected from him. He submits that the petitioner is in custody since 21.08.2023. 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, Dhir Singh @ Dheera. On instructions, she has submitted that out of 19 prosecution witnesses, 06 witnesses have been examined. She 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 is behind bars since 21.08.2023. Co-accused, namely, Dhir Singh @ Dheera is on bail and the case of the petitioner as stated is at par with him. Out of total 19 prosecution witnesses, 06 witnesses have been examined. As submitted before this Court, the petitioner has suffered incarceration of about 01 year & 10 months.

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.*

*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”<sup>22</sup> (also see Donald Clemmer’s ‘The Prison Community’ published in 1940<sup>23</sup>). 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. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

28.07.2025  
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**(RAJESH BHARDWAJ)**  
**JUDGE**

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