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

**CRM-M No.26218 of 2026
Date of Decision: 14.05.2026**

Mohinder Singh**..... Petitioner****Versus****State of Punjab****.....Respondent**

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Prateek Pandit, 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.195, dated 18.11.2021, under Sections 22, 29 of NDPS Act, 1985, registered at Police Station Subhanpur, District Kapurthala.

2. Succinctly, the facts of the case are that the police party was on patrolling on 18.11.2021 and when they reached near the bridge Hamira, then a person was seen coming. On seeing the police, he got perplexed and tried to escape and threw a plastic transparent weighted polythene at road side from the right pocket of his pant. However, on suspicion, he was apprehended. On asking, he disclosed his name to be Yograj Singh @ Joga. He was suspected to be carrying contraband in the polythene bag, which he had thrown and thus, the search of the same was conducted. On conducting



the search of the polythene bag, 260 grams of intoxicating substance was recovered. He failed to produced any licence regarding the 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 receipt of the FSL report, the contraband was found to be weighing 260 grams of Tramadol Hydrochloride. The petitioner was granted the anticipatory bail by the learned trial Court vide order dated 22.12.2021, however, in the absence of the petitioner, the challan was presented and the learned trial Court issued non bailable warrants against the petitioner on 28.09.2022 and thereafter, declared him proclaimed offender on 27.02.2025. Resultantly, the petitioner was arrested on 12.03.2025 and since then, he is behind the bars. The petitioner approached the Court of learned Judge, Special Court, Kapurthala praying for the grant of regular bail. However, after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Kapurthala, dismissed the bail application filed by the petitioner vide order dated 10.02.2026. Hence, being aggrieved, the petitioner has approached this Court praying for the grant of regular bail by way of filing the present petition.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely and frivolously implicated in the present case. He has submitted that the petitioner has been implicated in the present case on the basis of disclosure statement of co-accused. 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, Joginder Singh. He has drawn the attention of this Court to the order dated 05.02.2026, passed in **CRM-M-5259-2026**, whereby, co-



accused, namely, Joginder Singh has been granted regular bail by this Court. He has submitted that the case of petitioner is at par with that of the co-accused, who has already been granted bail by this Court. He has submitted that the petitioner is behind bars since 12.03.2025. 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 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, Joginder Singh.

5. Heard.

6. After hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner is behind bars since the date of his arrest, i.e. 12.03.2025. Petitioner has been implicated in the present case on the basis of disclosure statement of co-accused. Admittedly, co-accused, namely, Joginder Singh is on bail and the case of the petitioner as stated is at par with him.

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. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, 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.

8. Accordingly, the present petition is allowed and the petitioner is



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ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

9. However, if the applicant-appellant does not furnish the bail bonds within seven days from today, then his further custody period after one week will not be counted in this case.

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

(RAJESH BHARDWAJ)
JUDGE

14.05.2026

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