

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

CRM-M-26362-2025
Reserved on: 01.08.2025
Pronounced on: 27.08.2025

Nishan Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

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

Ms. Pooja Nayar Sharma, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
62	01.07.2018	Maqboolpura, District Amritsar	21/22/29 of NPDS Act

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 439 CrPC, seeking regular bail.
2. In paragraph 12 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the translated version of FIR, Annexure P-1, which reads as follows:

“Station House Officer, Police Station Singh 3731, Makbulpura. Jai Hind Today 1, ASI along with HC Manmohan Singh, HC Avtar PHGBalwinder Singh 9716, were going on foot to When Mall Mandi Tower BSNL from Police Station for patrolling and in search of bad elements Police Party reached near Mall Mandi Tower then two hair cut youngsters, on one white No Activa colour PB-02-DE-7588, came from the side of Saragari High School, ASR, to whom I, ASI, with Activa the help of fellow employees signaled them to stop, then both haircut youngsters on perplexed and tried to go back then suddenly Activa was stopped. When I, ASI, with the help of my fellow employees, was apprehending the Activa riders, the young man sitting behind the Activa took out a polythene packet from the right pocket of his pant and threw it on the ground and on asking the Activa driver, he told his name as Avtar Singh Vicky son of Gurdial Singh, caste Ramgariya, resident of House No. 64, Gali No. 3, Rajinder Nagar 30 Ft. Bazaar Focal Point, Police Station Makboolpura, ASR and the boy sitting behind him told his name as Nishan Singh son of Satnam Singh, caste Majhbi, resident of House No. 1. Gali No. 1. Rajinder Nagar, 30 ft., Bazaar Focal Point, ASR. Before checking the polythene packet, first I. ASI tried to join the public

witness in the police party, but due to the residents of the city, no one was ready to be a party. I, ASI, opened the polythene packet in front of my fellow employees and checked it. from which opened pink colored narcotic pills were recovered. On counting, a total of 70 pills were found. After putting the recovered narcotic pills in a plastic box. I sealed the prepared parcel with my own seal "BS" Sample seal "BS" was prepared separately. Case property parcel opened narcotic pills, sample seal and Aactiva color white No. No.JF50E85058436, ME4JF507E48058358were PB-02-BE-7588, taken into E. C. No. police custody through seizure memo. After use the seal was handed over to HC Manmohan Singh 2491. As the accused Avtar Singh Vicky and Nishan Singh could not able to produce any bill or license for keeping 70 opened pink colored label pills in their possession without a label, therefore, have committed an offence under Section 22, 29-61-85 NDPS Act. On which this ruqa is written and sent to police station through PHG Balwinder Singh 9716 for registration of case. Number be informed after registration of case. Control room be informed. Station House Officer be informed. Special reports be issued and sent to Illaga Magistrate and senior officers. 1. ASI, alongwith fellow employees, are busy in investigation on the spot. Sd/- Balwinder Singh, ASI, Police Station Makboolpura, ASR, dated of Mall Mandi 01.07.2018. Today within area Tower ASR at: 6:00 PM. Today at Police Station: At this moment on receipt of said ruqa at Police Station after registration of said case under said section, original ruqaalongwith copy of FIR is ASI for further investigation being through HC PHG Singh 9716 ASR arrived. Control room and Station House Officer was informed sent to through telephone. Special reports are being and prepared and sent to Illaqa Magistrate senior officers through HC Satinder Singh 655. Compliance report 40 Time: 07:14 PM dated 01.07.2018."

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and their family. Counsel for the petitioner submits that the petitioner was enlarged on bail vide order dated 30.07.2018 and due to his non-appearance, his bail was cancelled and he was declared proclaimed offender and now he is behind the bars from last 08 months.

5. The petitioner's counsel submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, or commits any offence under the NDPS Act, where the quantity involved is more than half of the intermediate, or commercial quantity, or violates S. 19, or 24, or 27-A of the NDPS Act, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

6. The petitioner was earlier on bail; however, he failed to appear, which led to the cancellation of the bail vide order dated 10.11.2023, as such, this court is inclined to grant bail subject to the strict condition that the petitioner shall not remain absent from the trial even on a single day.

7. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

CONDITIONS:

8. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

9. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

10. This order is subject to the petitioner's complying with the following terms.

11. The petitioner shall attend the Trial on every date and shall not seek any adjournment.

12. The significant consideration for granting bail is that the Court aims to give the petitioner another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioner also abides by the assurance made on the petitioner's behalf by not repeating the offence or indulging in any crime, it shall be desirable to impose the following additional condition.

13. This bail is conditional, with the foundational condition being that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, or commits any offence under the NDPS Act, where the quantity involved is more than half of the intermediate, or commercial, or violates S. 19, or 24, or 27-A of the NDPS Act, the State shall file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and as per their discretion, they may cancel this bail.

14. Given the background of allegations against the petitioner, it becomes paramount to protect the detection squad, members of society, and incapacitating the accused would be one of the primary options until the filing of the closure report or discharge, or

acquittal. Consequently, it would be appropriate to restrict the possession of firearms. [This restriction is being imposed based on the preponderance of the evidence of probability and not of evidence of certainty, i.e., beyond a reasonable doubt; and as such, it is not to be construed as an intermediate sanction]. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioner shall surrender all weapons, firearms, and ammunition, if any, along with the arms license to the concerned authority within fifteen days from today and inform the Investigator of the compliance. However, subject to the Indian Arms Act, 1959, the petitioner shall be entitled to renew and reclaim them in case of acquittal in this case, provided it is otherwise permissible under the concerned rules. Restricting firearms would instill confidence in the victim(s), their families, and society; it would also restrain the accused from influencing the witnesses and repeating the offense.

15. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

16. In *Amit Rana v. State of Haryana*, CRM-18469-2025 [Decided on 05.08.2025], in CRA-D-123-2020], a Division Bench of Punjab and Haryana High Court in paragraph 13, holds that “To ensure that every person in judicial custody who has been granted bail or whose sentence has been suspended gets back their liberty without any delay, it is appropriate that whenever the bail order or the orders of suspension of sentence are not immediately sent by the Registry, computer systems, or Public Prosecutor, then in such a situation, to facilitate the immediate restoration of the liberty granted by any Court, the downloaded copies of all such orders, subject to verification, must be accepted by the Court before whom the bail bonds are furnished.”

17. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

27.08.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.