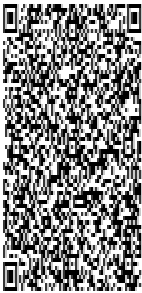


2025:PHHC:162657



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.41405 of 2025

Nirmal Singh alias Nima alias Dehla ... Petitioner

Versus

State of Punjab ... Respondent

1.	The date when the judgment is reserved	18.11.2025
2.	The date when the judgment is pronounced	20.11.2025
3.	The date when the judgment is uploaded on the website	21.11.2025
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Varinder Basa, Advocate,
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J.

1. The present petition has been filed by the petitioner under

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Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
146	18.12.2023	Kathunangal, District Amritsar, Rural	307, 201 and 34 of IPC, 21 (c) and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short ‘NDPS Act’) and 25 of Arms Act, 1959

2. Brief facts relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of statement recorded by the complainant Jaspal Singh on 18.12.2023 alleging therein that on the same day, he along with his friend Manjinder Singh had gone to Baba Buddha Sahib, Kathunangal to pay obeisance and while on the way back, they had reached at Village Chavinda Devi. They had stopped there and he was getting his motorcycle repaired when the petitioner along with his brother Nirvel Singh reached there on a motorbike and started verbal altercation with him. His friend Manjinder Singh tried to stop him but the petitioner gave slaps to him. When the complainant resisted, Nirvel Singh grabbed a screwdriver lying in the repair shop and tried to struck a blow with the same on his abdomen. The complainant caught hold of the screwdriver and then the petitioner took out a pistol from the pocket of his jacket and fired two shots upon him one of which hit his right ankle. He also fired another shot towards Manjinder Singh but he had a narrow escape. On hearing clamour, the public persons had started reaching at the spot and then

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the assailants fled away. He was rushed to hospital and was provided treatment.

3. After registration of FIR, investigation proceedings were initiated. The petitioner was arrested on 21.05.2024. He suffered disclosure statement on the basis of which the firearm used by him at the time of occurrence and 207 grams of heroin were got recovered at his instance. Accused Nirvel Singh was also arrested on 05.11.2024. Investigation now stands completed and challan has been presented in the Court.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 21.05.2024. False recoveries of contraband and firearm have been planted upon him. The trial is likely to take time to conclude since even charges have not been framed yet. His further incarceration is not going to serve any useful purpose. He is ready to abide by the terms and conditions to be imposed upon him. It is, therefore, urged that the petition deserves to be allowed.

5. Per contra, learned Assistant Advocate General, Punjab has argued that there are serious and specific allegations against the petitioner who is a habitual offender being involved in 20 cases of different nature. Contraband was also recovered from him. There are chances of his absconding or committing similar offences, if extended benefit of bail. It is, therefore, urged that he does not deserve to be released on bail.

6. This Court has considered the rival submissions.

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7. The petitioner is alleged to have got recovered non commercial quantity of contraband and firearm at his instance. As per the allegations, he had fired a shot upon the complainant with intent to kill him. He is in custody for over a period of more than one year and five months. As per the custody certificate, he was acquitted in seven cases as registered against him in the past, convicted in two cases and undertrial in three cases. Pendency of other cases cannot be considered to be a ground for denying benefit of bail to the petitioner. The rigors of Section 37 of NDPS Act are not attracted in this case since the recovery of contraband allegedly effected from him is of non commercial quantity. The trial will take considerable time to conclude since even charges have not been framed so far. Obviously, no prosecution witness has been examined. Prolonged incarceration of an accused militates against the most precious fundamental right guaranteed under Article 21 of the Constitution. Keeping in view the above discussed facts and circumstances as peculiar to the case, this Court is of the considered opinion that a case for release of the petitioner on bail is made out as his continued detention would not serve any fruitful purpose. It is well settled that pre trial incarceration should not be a replica of post conviction sentencing. Accordingly, the petition is allowed and the petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail

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in case the petitioner is found involved in any other subsequent case.

8. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

20.11.2025
manju

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No