



227

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-65167-2024
Date of decision: 29.07.2025

NIRMAL SINGH ALIAS RAJU

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present : Ms. Radhika, Advocate and
Mr. Karan Kapoor, Advocate for the petitioner.

Mr. Manjinder Singh Bhullar, DAG, Punjab.

SANJAY VASHISTH. J.(Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
NIRMAL SINGH ALIAS RAJU	205	31.08.2019	21, 22 of NDPS Act, 1985 (Section 29 of NDPS Act added later on)	Tanda	Hoshiarpur

2. Learned counsel for the petitioner contends that in the instant case



- 2-

FIR was registered on 31.08.2019 and notice was issued to the petitioner after submission of challan on 20.08.2021 and 10.12.2021 and on failing to appear, petitioner was thereupon declared as proclaimed offender vide order dated 11.04.2023.

3. Petitioner was arrested on 08.01.2024 and since then petitioner is inside jail. One of the co-accused, who is also charged with the offence under Section 29 of the NDPS Act, namely Sukhvir Singh @ Sukhi has already been granted the concessions of bail.

4. In the instant case recovery has been effected from co-accused Balwinder Singh i.e. 135 grams of intoxicating power, along with 10 grams of heroin.

As per the allegations, petitioner and his co-accused had supplied the said contraband to main accused Balwinder Singh.

5. He further submits that petitioner has realized his mistake and he is inside jail for the last more than one year and nine months. Thus prays for grant of regular bail.

6. On advance notice and in response to the arguments addressed by learned counsel for the petitioner, learned State counsel, produces the status report and custody certificate dated 28.07.2025 in Court today, which is taken on record. Office to tag the same at appropriate place. A copy thereof has already been handed over to the counsel for the petitioner.

As per custody certificate, petitioner has already undergone 01 year, 09 months and 30 days period inside jail.

7. On the other hand, learned State counsel submits that petitioner has



misused the concession of bail granted to him, at the first instance and is involved in 05 other criminal cases of similar nature, which are still pending trial.

8. On being asked, learned State counsel further submits that out of total 10 prosecution witnesses, only 02 have been examined till date. Though the FIR was registered way back in the year 2019.

9. This Court has heard the learned counsel for the parties concerned, and has gone through the instant petition.

10. Taking into consideration all the facts and circumstances that after re-arrest, petitioner is inside jail since 08.01.2024. Also the fact that nothing has been recovered from his possession, and the case against the petitioner is based solely upon the disclosure statement. This Court do not find any substantial reason to continue the detention of the petitioner inside jail for any longer period, and deems it appropriate to grant the concession of bail to the petitioner.

Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

11. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

12. Any of the discussion done and recorded hereabove, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible, in accordance with law.

13. It is further made clear that if, in future, petitioner is directly found



indulged in similar kind of activities, this order shall be deemed to be cancelled.

14. Petition stands disposed of.

29.07.2025
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(SANJAY VASHISTH)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No