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

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CRM-M No.65039-2025

Date of decision :27.11.2025

Date of uploading : 28.11.2025

Nihal Singh

.....Petitioner

Versus

UT Chandigarh

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Arjun Dosanj, Advocate, for the petitioner.

Mr. Manish Bansal, PP, UT, Chandigarh.

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.17 dated 05.08.2025 under Sections 21, 29 (added later on) of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Crime Branch, UT, Chandigarh.

2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

"To SHO, Sir, Jai Hind. With due respect, I submit the following request to the Government that I, ASI and my team L/C Sobhan 743/CP, L/C Amita 4029/CP, C Raman deep 4087/CP, C Karan 83/CP, were on patrol with vehicle number CHOIGA-0468, driven by BC Satish Kumar 2226/CP, to prevent crimes in the UT Chandigarh area. While I and my team were present near the beat box in Sector 37, B C dividing road of CHD, at approximately 1:20 PM, a specific informant met me and gave information that a woman named Pooja, who sells drugs while riding her white Activa scooter with registration number PB27F2366 in the Sector 38 area, is also



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roaming the Sector 38/D market area today with drugs to sell. She can be caught and a large quantity of drugs can be recovered from her. Considering this information reliable, I, ASI, called the previously dispatched ASI Azad No. 12/CP and his team, C Kavita 3876/CP, C Deepak 3829/CP, C Mukesh 2223/CP, and ASI Karamveer Singh No. 3514/CP Sr. C Sandeep 2137/CP, C Ravinder Singh 4599/CP, HC Virender Singh 855/CP, to Sector 37, Chandigarh. I informed them about the tip-off and instructed them to change into civil clothes and search for the said woman in the Sector 38 area. At approximately 1:40 PM, the team of ASI Karamveer Singh No. 3514/CP, CT Karan No. 83/CP, and L/C Amita No. 4029/CP together apprehended the said woman in Sector 38/D, Chandigarh, behind the showroom. I, the undersigned ASI, and other personnel reached the spot, and upon questioning the apprehended woman, she revealed her name and address as Pooja, daughter of Vinod, resident of 585/2, Sector 38/A, Chandigarh. I, ASI, informed the said woman that we suspected she was in possession of a narcotic substance and gave her a notice under Section 50 of the NDPS Act, informing her of her rights. She then stated that she wished to be searched in the presence of a Gazetted Officer. Following this, I, the undersigned ASI telephoned DSP/Crime Shri Cheeraj Kumar and requested him to come to the spot, giving him a summary of the situation. I also informed the MHC/Crime to send L/HC to the spot. After DSP/Crime Shri Dheeraj Kumar and L/HC Suman No. 1845/CP arrived at the spot, further action was initiated as per the instructions of the DSP. People passing by were informed about the police action and asked to join the investigation, but everyone left without giving their name and address, citing their genuine reasons. L/HC Suman was assigned to search the apprehended woman, Pooja. During the search, L/HC Suman recovered a milky-white polythene envelope from the right pocket of the woman's henna-colored palazzo pants. Upon opening and checking it and questioning the said woman, a white narcotic substance, cocaine, was found inside. I, ASI, checked the recovered narcotic substance with a drug detection kit, and the result was positive for cocaine. I, ASI, then weighed the recovered cocaine along with the plastic envelope on a small weighing machine at the spot, and the total weight was found to be 54 grams. I, the undersigned ASI, prepared a parcel of the recovered 54 grams of cocaine along with the same plastic envelope by placing it in a white cloth bag. The parcel was sealed with two NS seals, and a separate sample seal was prepared. The NDPS forms were completed, and the seals, after use, were handed over to the witness, L/HC Suman No. 1845/CP. The said parcel and the sample seal were taken into police possession as evidence. The white Activa scooter, number PB27F2366, was separately taken into police possession as evidence. The government evidence at the spot was videographed. The said woman, Pooja, by illegally possessing the narcotic substance cocaine, has committed a crime under Section 21 of the NDPS Act. Therefore, this written report is for the purpose of registering a case against Pooja, daughter of Vinod, resident of 585/2, Sector 38/A, Chandigarh, age 35 years, for the aforementioned crime. It is being sent to the police station through Constable Ramandeep Singh No. 4087/CP. The MHC Crime Branch has been informed by telephone to send a second E/O to the spot for further action. I, ASI, and my team are currently busy with the investigation at the spot. Sd/-ASI Naseeb Singh No. 1987/CHG PS Crime Sector 11 Chandigarh.”

3. Learned counsel for the petitioner has argued that the petitioner

is in custody since 12.08.2025. Learned counsel has further argued that,



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assuming *arguendo*, the prosecution version is taken to be correct, recovery effected from the petitioner is 36.04 grams heroine only. The contraband alleged to have been recovered from the petitioner is non-commercial in nature. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 25.11.2025 in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 12.08.2025. The culmination of investigation as also trial emanating therefrom in case occasion so arises will take long time. It is not dispute that the contraband alleged to be recovered from the petitioner & himself non-commercial in nature. In view of this, the rigours of Section 37 of the NDPS Act would not apply. As per custody certificate dated 25.11.2025 filed by UT Chandigarh, the petitioner has already suffered incarceration for a period of 3 months and 14 days. As per the said custody certificate, the petitioner is stated to be involved in one more FIR registered under sections 21/61/85 of NDPS Act. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by



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rationocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in *Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586*; a Division Bench judgment of the Hon'ble Calcutta High Court in case of *Sridhar Das v. State, 1998 (2) RCR (Criminal) 477* & judgments of this Court in *CRM-M No.38822-2022* titled as *Akhilesh Singh v. State of Haryana*, decided on 29.11.2021, and *Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191*.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of

the trial Court/Illaqa Magistrate.

(vii) The petitioner shall not in any manner try to delay the trial.

(viii) The petitioner shall submit, on the first working day of every month, an affidavit, before the concerned trial Court, to the effect that he has not been involved in commission of any offence after being released on bail. In case the petitioner is found to be involved in any offence after his being enlarged on bail in the present FIR, on the basis of his affidavit or otherwise, the State is mandated to move, forthwith, for cancellation of his bail which plea, but of course, shall be ratiocinated upon merits thereof.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

27.11.2025
Jatin

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