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2026:PHHC:036155



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
CRM-M-8894-2026

Nirvail Singh @ Naila

....Petitioner

Versus

State of Punjab

....Respondent

Date of Decision: March 10, 2026
Date of Uploading: March 10, 2026

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Amit Arora, Advocate for the petitioner.
Mr. Hemant Aggarwal, DAG Punjab.

SUMEET GOEL, J. (ORAL)

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 bearing FIR No.0234 dated 09.10.2025, registered for the offences punishable under Section 111(1) of the BNS, 2023, Sections 25, 25(6), 25(7)(I) and 25(8) of the Arms Act, 1959 and Sections 10, 11, 12 of the Air Craft Act, 1934, at Police Station Khalra, District Tarn Taran.

2. The gravamen of the allegations against the petitioner is that one pistol along with an empty magazine was recovered from the agricultural land of Kartar Singh, son of Chanan Singh. As per the disclosure statement of the petitioner, vide DDR No. 29 dated 09.10.2025 in case bearing FIR No.233 dated 08.10.2025, he stated that on 08.10.2025 he had ordered two pistols along with magazines from Pakistan through a drone by providing his WhatsApp number 81468-11425. He further disclosed that the

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contact number of the Pakistani smuggler was +96879452684. The said illegal arms were smuggled from Pakistan through a drone in packets fitted with copper hooks (kundan).

3. Learned counsel for the petitioner has iterated that the petitioner is in custody since 09.10.2025. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question as he was involved by the police in another FIR. Learned counsel has further submitted that prime prosecution evidence available against the petitioner is the confession of the petitioner, which is not tenable in law. Learned counsel has submitted that investigation *qua* petitioner is complete and culmination of the trial will take long. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner 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 the custody certificate dated 10.03.2026, in the Court today, which is taken on record.

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

6. The petitioner was arrested on 09.10.2025, whereinafter, investigation was carried out and the challan was presented on 06.01.2026. It is not in dispute before this Court that total 09 prosecution witnesses have been cited, whereas, even charges are not yet framed. It is thus, indubitable, that conclusion of the trial will take long. The rival contentions raised at Bar; including veracity of the evidence brought forth against the petitioner by the police, shall be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this

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stage, *lest* it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1. As per custody certificate dated 10.03.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 04 months and 27 days. Further, as per the said custody certificate, the petitioner is stated to be involved in other FIR(s). 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 ratiocinating 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 factual milieu of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail, if not required in any other case, 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:

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- (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.

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.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

March 10, 2026

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No