



CRM-M-37819-2025

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

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Date of Decision: 05.03.2026

NISHAN SINGH

... PETITIONER

VERSUS

STATE OF PUNJAB

... RESPONDENT

CORAM : HON'BLE MR. JUSTICE H.S.GREWAL

Present:- Mr. Harmanpreet S. Mander, Advocate for
Mr. Harpreet S. Multani, Advocate for the petitioner.

Mr. Rishabh Singla, AAG, Punjab.

H.S. Grewal, J.(Oral)

1. This petition has been filed under Section 483 of the BNSS, 2023 for grant of regular bail to the petitioner in FIR No. 201 dated 17.12.2024 under Sections 25/54/59 of Arms Act and Sections 18/21/25/29 of NDPS, Act registered at Police Station, STF, SAS Nagar (Sohana), PS Goindwal Sahib. (Sections 18/21/25/29 of NDPS Act has been deleted vide Rapat No. 14 dated 08.02.2025)

2. The case of the prosecution is that the petitioner, along with co-accused, had been jointly transporting opium, heroin and illegal weapons from Madhya Pradesh in their cars and were supplying the same to gangsters and drug smugglers. Six country-made pistols of 32 bore, one rifle, one 12 bore DDBL, three magazines, one magazine of 32 bore, 16 live cartridges of KF 12 bore, 10 live cartridges of BMM/KF (315 bore) and a Swift car were recovered from the petitioner.



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3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case due to political rivalry, as the uncle of the petitioner is an elected Sarpanch. He further submits that the petitioner is in custody since 17.12.2024 and the only offence, as per the challan filed against the petitioner, is under the Arms Act, which is triable by a Magistrate. The petitioner is not involved in any other case.

4. On the other hand Id. State counsel has opposed the grant of bail on the ground that the allegations against the petitioner are serious in nature. He has filed the custody certificate in Court, which is taken on record. As per the custody certificate, the petitioner is in custody for the last 01 year 02 month and 09 days and is not involved in any other case. He further submits that challan has been presented and out of 10 prosecution witnesses only 01 has been examined so far.

5. I have heard the submissions made by the parties and gone through the record.

6. After hearing the rival contentions of learned counsel for the parties and keeping in view the facts and circumstances of the case and the fact that offences are triable by the Magistrate; the petitioner is in custody for the last 01 year 02 month and 09 days and is not involved in any other case; only 01 witness has been examined so far; the trial is likely to take considerable time to conclude, this Court is of the view that further detention of the petitioner would not serve any useful purpose. Moreover, it is a settled principle of law that "*bail is the rule and jail is the exception.*"

7. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on



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regular bail on his furnishing requisite bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

8. Nothing discussed hereinabove shall be construed as an expression of opinion on the merits of the case.

9. It is clarified that if while on bail so granted through the instant order, the petitioner is found indulged in any other criminal case/activity, it shall be open to the State to seek cancellation of his bail.

05.03.2026
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(H.S.GREWAL)
JUDGE

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