

2026:PHHC:003735



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

210

CRM-M-59809-2025
Date of Decision: 14.01.2026

NITASHA

... Petitioner

VERSUS

STATE OF PUNJAB

... Respondent

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

Present: Mr. J.S. Sandhu, Advocate
for the petitioner.

H.S. GREWAL, J. (ORAL)

This petition has been filed under Section 483 Bharatiya Nagrik Suraksha Sanhita, 2023 seeking regular bail for the petitioner in case FIR No.08 dated 08.01.2025 under Sections 21 and 29 of the NDPS Act, 1985 (Sections 21(c), 25, 27 and 27A of the NDPS Act, 1985 added later on) registered at Police Station STF SAS Nagar, Mohali, District SAS Nagar, (Mohali).

2. The case of the prosecution is that the petitioner alongwith one Vishal Kumar were apprehended in a car bearing registration No.TO23HP0016G make Swift Dzire and 354 grams of Heroin was recovered from the dashboard of the said vehicle.

3. Learned counsel for the petitioner contends that the vehicle in question does not belong to the petitioner rather the same is owned by co-accused Vishal Kumar. The petitioner had just taken a lift in the car of said Vishal Kumar and was not aware of the contraband being carried in the said vehicle. He further

contends that the petitioner was not found in conscious possession of the contraband. He further submits that the petitioner is not involved in any other case under NDPS Act or any other criminal case. Moreover, the petitioner has already undergone a custody of 01 year and 02 days.

4. Notice of motion.

5. Mr. P.S. Pandher, AAG, Punjab accepts notice and vehemently opposes the petition for grant of bail on the ground that there is an active role of the petitioner in the commission of the offence in question. Hence, he prays for dismissal of the present petition. Custody certificate filed by the State Counsel is taken on record. As per the said certificate, the petitioner has already undergone a period of 01 year 02 days.

6. I have heard the learned counsel for the parties and perused the record.

7. Keeping in view the facts and circumstances of the case and taking into consideration the fact that the petitioner is in custody for the last approximately one year and the trial against the petitioner might take long time to conclude, this Court is of the opinion that the petitioner deserves the concession of regular bail. Moreover, bail is rule and jail is exception. Since the continuous incarceration of the petitioner would not serve the ends of justice, this Court deems it fit to grant the concession of regular bail to the petitioner during the pendency of the trial.

8. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

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

JANUARY 14, 2026.
Rajender

(H.S. GREWAL)
JUDGE

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