



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

225

CRM-M-65779-2025 (O&M)

Date of decision: 28.01.2026

Nishan Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Yajur Sharma, Advocate for the petitioner

Mr. Manipal Singh Atwal, DAG Punjab

AMAN CHAUDHARY, J. (ORAL)

1. Prayer in the present petition filed under Section 483 BNSS is for grant of regular bail to the petitioner in case FIR No.147 dated 22.09.2025, registered at Police Station Chattiwind, District Amrtisar Rural, under Sections 21, 27(a) and 29 NDPS Act.

2. Learned counsel contends that the petitioner has been in custody for more than 4 months. Co-accused Roshan Singh, who was apprehended along with him with 10 grams of Heroin has been granted bail by this Court vide order dated 03.12.2025, after a custody of 2 months and 10 days. The alleged recovery from him is 20 grams, which falls under non-commercial quantity. There is non-compliance of mandatory provisions of Section 50 of NDPS Act. No independent witness has been joined at the time of recovery. He is not involved in any other case.

3. The custody certificate dated 27.01.2026, filed by the learned State counsel is taken on record. As per the same, the petitioner is behind bars for 4 months and 4 days.

4. Learned State counsel opposes the bail on the ground that the



petitioner and co-accused Roshan Singh were apprehended at the spot and heroin weighing 20 and 10 grams each was recovered from them, as also drug money of Rs.300/- from the latter, which they earned by selling the contraband. However, he is unable to controvert the submissions made regarding co-accused having been granted bail and the petitioner being not involved in any other case.

5. Heard.

6. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last 4 months and 4 days; not involved in any other case; co-accused is on bail; the trial is yet to commence and further incarceration of the petitioner would be violative of his right enshrined under Article 21 of the Constitution of India, the present petition is allowed.

7. The petitioner is ordered to be released on regular bail, subject to furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned, if not required in any other case and shall abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
- (v) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- (vi) The petitioner shall not in any manner misuse his liberty.



- (vii) The petitioner shall furnish his address and mobile number by way of an affidavit to the trial Court and not change the same till conclusion of trial and if for any reasons, he seeks to change either of the aforesaid, it shall be done only with prior information to the learned trial Court.
- (viii) The petitioner shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

8. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

9. In view of the above, it is clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AMAN CHAUDHARY)
JUDGE

28.01.2026
M.Kamra

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