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

**CRM-M No.69428 of 2025
Date of Decision: 15.01.2026**

Nachhattar Singh @ Nachittar Singh @ Satti

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Karandeep Singh Sidhu, Advocate
for the petitioner.

Mr. Raj Karan Singh, Asstt. A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.27, dated 30.04.2024, under Section 21(c) of NDPS Act (Section 29 of NDPS Act added later on), registered at Police Station Talwandi Bhai, District Ferozepur.
2. Succinctly the facts of the case are that the police party, while on patrolling on 30.04.2024, saw a car coming from village Haraj side, which was signalled to stop. However, the driver instead of stopping the car, tried to speed away the same, but, the police succeeded in stopping the car. 03 persons travelling in the car were apprehended and the driver of the car, on asking, disclosed his name to be Nachattar Singh @ Satti (petitioner). The person sitting on the adjoining seat, disclosed his name to be Pardeep Singh @ Noori and the third person sitting on the rear seat, disclosed his name to be Gurmeet Singh @ Golu. They were suspected to



be carrying some contraband and thus, they were given the offer for the search. The search was conducted and on conducting the search of Nachattar Singh, a black colour *parna* was found tied along with his waist and on conducting the search of the same, a transparent polythene bag was recovered from which recovery of 400 grams of heroin was effected. From the search of 02 of the remaining accused, 400 grams and 200 grams of heroin, respectively were recovered. Thus, from all the three accused, recovery of 1 Kg of heroin was effected. They failed to produce any licence regarding the conscious possession of the same, thus, the FIR was registered and all were arrested on the spot. The samples taken were sent to the FSL. On receipt of the FSL report, the challan was presented and on framing of charges, the trial commenced. The petitioner approached the Court of learned Judge, Special Court, Ferozepur praying for the grant of bail, however, after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Ferozepur declined the bail application filed by the petitioner vide order dated 27.11.2025. Hence being aggrieved, the petitioner is before this Court by way of filing the present petition praying for the grant of regular bail.

3. Learned counsel for the petitioner, at the outset, prays for the grant of bail to the petitioner on the basis of parity with that of the co-accused, namely, Pardeep Singh @ Nuri. He has drawn the attention of this Court to the order dated 16.10.2025 passed in **CRM-M-19607-2025**, whereby, co-accused, namely, Pardeep Singh @ Nuri has been granted regular bail by this Court. He has submitted that the case of the petitioner is at par with the said co-accused. He submits that the petitioner is in custody since 30.04.2024. He submits that the petitioner is involved in 03



other cases, however in 02 of the cases, he has been acquitted. He submits that on the basis of the parity, the petitioner deserves to be granted bail as the case of the petitioner is similar to that of the said co-accused, who has already been granted bail.

4. Learned State counsel has endorsed the factum of grant of bail to the co-accused of the petitioner as stated above and has not denied that the petitioner is at par with the co-accused, namely, Pardeep Singh @ Nuri. He has submitted that the petitioner along with 02 of the co-accused was found travelling in the car. He has however submitted that on conducting the search of the car, 1 Kg of heroin was recovered whereas from the petitioner, 400 grams of heroin was recovered. He has submitted that the recovered contraband is commercial in nature and thus, the provisions of Section 37 of NDPS Act are attracted. He has submitted that the petitioner is involved in 03 other cases. He has produced custody certificate of the petitioner today in the Court, which is taken on record.

5. Heard.

6. After hearing learned counsel for the parties and perusing the record, it is deciphered that the recovery in the present case has been effected from the public place. The petitioner is behind bars since 30.04.2024. The total recovery in the present case though is 1 Kg of heroin, however from the search of the petitioner, 400 grams of heroin was recovered from the *parna* tied along with his waist. Co-accused, namely, Pardeep Singh @ Nuri is on bail and the case of the petitioner as stated is at par with him. Custody certificate produced would show that the petitioner has suffered an incarceration of 01 year, 08 months & 15 days as on 14.01.2026. It further reflects that the petitioner is involved in



03 other cases, however in 02 of the cases, he has been acquitted.

7. In view of the facts and circumstances of the present case, this Court cannot ignore the fact that the speedy trial is the fundamental right of every accused. As held by the Hon'ble Supreme Court in **Mohd Muslim @ Hussain Vs. State (NCT of Delhi), 2023 LiveLaw(SC)260**, this Court is of the opinion that the case of the petitioner is covered by the ratio of law laid down by the Hon'ble Supreme Court. In the abovesaid case Hon'ble Supreme Court expressed its views as under:-

19. A plain and literal interpretation of the conditions under Section 37 (i.e., that Court should be satisfied that the accused is not guilty and would not commit any offence) would effectively exclude grant of bail altogether, resulting in punitive detention and unsanctioned preventive detention as well. Therefore, the only manner in which such special conditions as enacted under Section 37 can be considered within constitutional parameters is where the court is reasonably satisfied on a prima facie look at the material on record (whenever the bail application is made) that the accused is not guilty. Any other interpretation, would result in complete denial of the bail to a person accused of offences such as those enacted under Section 37 of the NDPS Act.

20. xxxxxx

21.it would be important to reflect that laws which impose stringent conditions for grant of bail, may be necessary in public interest; yet, if trials are not concluded in time, the injustice wrecked on the individual is immeasurable.

22. xxxxxx

23. There is a further danger of the prisoner turning to crime, "as crime not only turns admirable, but the more professional the crime, more honour is paid to the criminal"²² (also see Donald Clemmer's 'The Prison Community' published in 1940²³). Incarceration has further deleterious effects - where



the accused belongs to the weakest economic strata: immediate loss of livelihood, and in several cases, scattering of families as well as loss of family bonds and alienation from society. The courts therefore, have to be sensitive to these aspects (because in the event of an acquittal, the loss to the accused is irreparable), and ensure that trials – especially in cases, where special laws enact stringent provisions, are taken up and concluded speedily.”

8. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time.

9. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail on the basis of parity.

10. Accordingly, the present petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case. However, if the petitioner does not furnish the bail bonds within seven days from today, then his further custody period after one week will not be counted in this case.

15.01.2026

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Whether speaking/reasoned
Whether reportable

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Yes/No
Yes/No

(RAJESH BHARDWAJ)
JUDGE