



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

123

CRM-M-70233-2025

Date of decision: 5th March, 2026

Dinesh Kumar @ Nishu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Aditya Anand, Advocate for the petitioner.
Ms. Ruchika Sabherwal, Sr. Deputy Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 152 dated 06.06.2025 registered under Sections 25(6), 25(7), 25(8) and 25(1-A) of Arms Act, 1959 and Sections 42 and 52-A of Prisons Act, 1894 at Police Station Anti-Narcotics Force (ANTF), District ANTF Wing (SAS Nagar), Mohali.

2. As per the allegations, on 06.06.2025, on receipt of a secret information to the effect that the present petitioner along with the co-accused Paramjit Singh @ Pamma and Rajan @ Raja was engaged in the business of smuggling of illicit weapons from Pakistan through drones and had recently arranged a large consignment of such weapons from Pakistan through drone and could be caught with the same, a raiding party was formed which reached at the informed place and apprehended the present petitioner and the co-accused while they were standing at the spot with an Activa vehicle. On

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conducting search, a bag was recovered from the boot of the Acura vehicle. On opening the same, six foreign made pistols were found kept in the same which were taken into possession. The petitioner and co-accused were formally arrested. Investigation now stands concluded.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. No recovery was effected from his conscious possession but it was effected from the boot space of the Acura vehicle. He is in custody since 06.06.2025. Trial will take considerable time to conclude. No useful purpose would be served by detaining him in custody anymore. His involvement in other cases cannot be considered to be a reason for denying benefit of bail to him. It is, therefore, argued that the petition deserves to be allowed.

4. *Per contra*, learned State counsel has argued that keeping in view the gravity of the allegations levelled against the petitioner and the criminal antecedents, he does not deserve to be released on bail. There are chances of his absconding or committing similar offences, if extended benefit of bail. Therefore, it is urged that the petition does not deserve to be allowed.

5. This Court has heard learned counsel for the parties at considerable length.

6. The petitioner along with the co-accused is alleged to have been found in conscious possession of six weapons in an illicit manner. He is in custody since 06.06.2025. Investigation now stands concluded, however, none out of 17 prosecution witnesses has been examined so far and therefore, it is apparent that the trial will take considerable time to conclude.

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As per the custody certificate, the petitioner is involved in four more cases, however, he is on bail in three of such cases. He cannot be denied benefit of bail due to his involvement in those cases. The continued detention of the petitioner will not serve any useful purpose. It is well settled that pre-trial incarceration should not be a replica of post-conviction sentencing and that bail is the rule and jail is an exception. The object of jail is to secure appearance of the accused during trial, and it cannot be preventive or punitive. Keeping in view the period of incarceration of the petitioner, the nature of subject offence and the attendant facts and circumstances of the case, this Court is of the considered opinion that the petition deserves to be allowed. Hence, the same is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the learned Chief Judicial Magistrate/ Duty Magistrate concerned.

7. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and shall not influence the outcome of the trial.

8. Since the main petition has already been disposed of, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

5th March, 2026
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |