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

CRM-M-71129-2025

Date of decision : 23.01.2026

Nishan Singh @ Nishan

....Petitioner

versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Ms. Hargun Sandhu, Advocate and
Mr. Rishab Tewari, Advocate
for the petitioner.

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

RAJESH BHARDWAJ, J. (Oral)

1. Present second petition has been filed for grant of regular bail in case FIR No.109 dated 24.07.2024, under Section 21-C of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Special Task Force, STF Wing, Tarn Taran.
2. Succinctly the facts of the case are that the Police party while on patrolling on 24.07.2024, received a secret information to the effect that Pawan and Nishan (present petitioner) were involved in smuggling of heroin. It was informed that they were sitting in their car make Verna in the area of Naushehra Pannuna and if the raid is conducted, they could be apprehended along with the contraband. On receiving the information, police party reached at the place disclosed and found the said car parked there, in which 02 persons were sitting. On asking, the person sitting on the driver seat, disclosed his name to be Pawandeep Singh @ Pawan, whereas person sitting on the adjacent seat disclosed his name to be Nishan Singh @ Nishan (present petitioner). They were suspected to be



carrying some contraband and thus, their search was conducted. On conducting the personal search of the petitioner, 400 grams of heroin was recovered from right pocket of his trouser whereas from the right pocket of co-accused's trouser, 360 grams of heroin was recovered. They failed to produce any license regarding possession of the same and hence, the FIR was registered and both were arrested on spot. The investigation commenced. The samples taken were sent to the FSL. On receipt of FSL report, challan was presented and on framing of charges, trial commenced. The petitioner approached Learned Additional Sessions Judge, Tarn Taran praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned trial Court vide order dated 20.01.2025. Aggrieved by the same, the petitioner earlier approached this Court by way of filing of CRM-M-17753-2025, however, the same was dismissed as not pressed on 15.07.2025. Hence, the petitioner is before this Court by way of filing of present second petition for grant of bail.

3. Learned counsel for the petitioner has contended that though the present FIR was registered on the basis of secret information, however, there is blatant violation of provisions of Section 42 of NDPS Act. He submits that there is violation of mandatory provisions of Section 50 of NDPS Act as well. He submits that the alleged recovery has been effected from a public place, however, no independent witness was joined by the investigating agency. To buttress his arguments, it is submitted that the petitioner is not involved in any other case of similar nature. He submits that though the petitioner is involved in one more case, however, he is on bail in the said case. He submits that the charges were framed in the present case in February, 2025, however, till date the prosecution has



examined only 01 witness and thus, right of speedy trial of the petitioner is defeated. He thus, submits that in the facts and circumstances of the case, the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by the counsel for the petitioner and submits that the petitioner was specifically named in the secret information and he was arrested on spot. He submits that from the personal search of petitioner, 400 grams of heroin was recovered and from co-accused, 360 grams of heroin was recovered. He submits that the total recovery effected in the present case is of 760 grams of heroin which is a commercial quantity and thus, provisions of Section 37 of NDPS Act, are attracted. He, on instructions, has submitted that out of total 21 prosecution witnesses, only 01 witnesses has been examined so far. He has produced the custody certificate of the petitioner on record.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner was arrested on spot on 24.07.2024. As per custody certificate, the petitioner has suffered an incarceration of 01 year, 05 months and 12 days as on 22.01.2026. It further reflects that though the petitioner is involved in one more case i.e. under Sections 379-B, 148, 149 of IPC and Section 25 Arms Act, however, he is on bail in the said case.

6. 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.

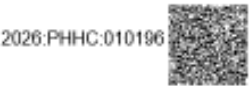
20. xxxxx

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. xxxxx

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.

7. The veracity of the allegations would be assessed only after 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. 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 to the petitioner.

8. Accordingly, the present petition is allowed and the 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.

23.01.2026

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(RAJESH BHARDWAJ)

JUDGE

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