



CRM-M-45987-2025

1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

227

CRM-M-45987-2025
Decided on : 27.08.2025

NISHAN SINGH

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Lovish Rattan, Advocate,
for the petitioner.

Mr. Manjinder Singh Bhullar, DAG, Punjab.

SANJAY VASHISTH, J.

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Nishan Singh, aged about 34 years	95	27.06.2025	21(b), 27-A of NDPS Act (61, 85 of NDPS Act added later on)	Sultanwind	Amritsar

2. Counsel for the petitioner submits that recovery in the present case consists of 5 grams of heroin and currency notes amounting to Rs. 600, which have been described as drug money by the prosecution. It is submitted that whether the quantity recovered is actually small or



less than small, is a moot question that would be determined during the course of the trial. Applying the definition prescribed under the NDPS Act to the facts of this case, the recovered quantity should be considered as small quantity, rather than non-commercial quantity.

Further submits that petitioner is inside jail since 27.06.2025, and the *challan* is yet to be presented in the present case. The prosecution witnesses are police officials, and trial is likely to consume considerable time. Therefore, no purpose would be served by keeping the petitioner in custody. Thus, counsel prays for grant of regular bail to the petitioner in the present case.

3. On the other hand, learned State counsel is unable to dispute the factual assertion as stated by counsel for the petitioner, today before this Court. However, he vehemently opposes for grant of regular bail to the petitioner in the present case.

4. This Court has heard the submissions made by counsel for the parties and has perused the record available before it.

It is noticed that petitioner is 34 years old, and the prosecution has not brought forward any instance to show that petitioner has previously been involved in activities prohibited under the NDPS Act. Considering the manner in which the allegations have been framed, quantity of the substance recovered, and the petitioner's age, burden lies heavily on the prosecution to prove the charges against the petitioner beyond reasonable doubt. Therefore, this Court deems it appropriate to grant the concession of regular bail to the petitioner in the present case.



5. Consequently, prayer made in the present petition is **allowed**.

Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

6. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

7. Any of the discussion done and recorded here above, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible, in accordance with law.

8. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

9. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

27.08.2025

Lavisha

Whether Speaking/Reasoned: YES/NO
Whether Reportable: YES/NO