

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

CRM-M-32910-2017

Date of decision: 24.10.2017

Nirmal Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Sandeep Kotla, Advocate
for the petitioner.

Mr.Gaurav Bansal, AAG, Haryana.

H.S. MADAAN, J.

This petition has been filed for the grant of regular bail to the petitioner – Nirmal Singh, an accused in FIR No.103 dated 10.7.2017, under Sections 15 of NDPS Act, registered at Police Station Sadar, Jagadhri.

Briefly stated, the facts of the case as per prosecution version are that the on 10.7.2017, a police party from Detective Staff, Yamuna Nagar headed by SI Yashpal was on patrol duty and at about 7:30 p.m., when the police party had laid picket at Bhedthal Chowk within the area of Police Station Sadar, Jagadhri, an old aged person was spotted coming on foot from the side of Bilaspur carrying a bag of grey colour; that on seeing the police party, he turned back; that he was apprehended on the basis of suspicion; that on being asked, he disclosed his name as Nirmal

Singh son of Hans Raj, resident of village Taranwala, Police Station Sadar, Jagadhri, District Yamuna Nagar; that the polythene bag was searched as per rules and it was found to contain poppy-husk; that a sample therefrom was taken and the remaining contents including the bag were found to be weighing 10 kgs. 160 gms; that the weight of the empty bag was found to be 160 gms. Ruqa was sent, formal FIR was registered. The accused was arrested in this case. The case was investigated. After completion of investigation, challan against the accused was filed in the Court.

The petitioner had moved an application for regular bail but was unsuccessful and the same was dismissed vide order dated 24.8.2017 passed by learned Additional Sessions Judge/Judge, Special Court, Yamuna Nagar at Jagadhri. Hence the present petition.

Notice of the petition was given to the State and State counsel has put in appearance.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record.

Learned State counsel has filed the custody certificate in respect of the petitioner showing that the petitioner is in custody for a period of about 3 months and 13 days. He is not shown to be involved in any other case. The petitioner is an aged person of 58 years. The trial is yet to begin and its conclusion is likely to take some time and the FSL report is also yet to be received.

Under the circumstances, the petition is allowed. The petitioner be admitted to bail during the pendency of the trial, subject to

his furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate, Yamuna Nagar at Jagadhri. The trial Court may impose any term and condition found suitable to ensure that the petitioner does not abscond and give any threat or intimidation to the prosecution witnesses.

It is clarified that if the petitioner is found to be involved in any other criminal case after being released on bail vide this order, the order shall be liable to be withdrawn.

This petition stands allowed accordingly.

24.10.2017
Brij

(H.S. MADAAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No