

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-15724-2018

Date of decision: 07.09.2018

Nishan Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Prateek Pandit, Advocate for the petitioner.

Mr. Davinder Bir Singh, DAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

1. Through this second petition under Section 439 Cr.P.C., petitioner-Nishan Singh, has prayed for grant of regular bail in case FIR No. 155 dated 17.09.2015 registered under Section 21 of the NDPS Act at Police Station Sultanpur Lodhi.

2. According to the prosecution, on 17.09.2015, co-accused Balwinder Singh @ Binder, was apprehended with conscious possession of 1 Kg 10 grams of Heroin without any permit or licence. During disclosure statement, co-accused-Balwinder Singh @ Binder, named the petitioner as supplier of the aforesaid Heroin to him. Consequently, the petitioner was arrested on 10.03.2016 and since then he is custody.

3. Learned counsel *inter alia* contends that the main accused-Balwinder Singh @ Binder, was released on interim bail, till the receipt

of FSL report. However, on account of his non-appearance before the trial Court, Balwinder Singh @ Binder, has now been declared proclaimed offender. Petitioner is in custody since 10.03.2016. He has been arrested on the basis of disclosure statement of aforesaid Balwinder Singh @ Binder, which is a very weak type of evidence. Conclusion of trial may take long time as it had already been delayed on account of absence of co-accused Balwinder Singh @ Binder. No useful purpose would be served by detaining the petitioner in jail.

4. On the other hand, learned State counsel vehemently opposed the above submission of learned counsel for the petitioner.

5. Considering overall facts and circumstances, but without expressing any opinion on the merits of the case, the petition is allowed. Consequently, petitioner-Nishan Singh is ordered to be released on bail pending trial, on his furnishing adequate bail bonds with two heavy sureties to the satisfaction of Trial Court/Duty Magistrate concerned.

September 07, 2018
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No