

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

Crl. Misc. No.M-26909 of 2018 (O&M)
Date of Decision: 06.07.2018

Nirvair SinghPetitioner

Versus

State of PunjabRespondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Ms. Sushma Chopra, Advocate
for the petitioner.

Mr. Amit Mehta, Sr. D.A.G., Punjab.

DAYA CHAUDHARY, J.

CRM No.22482 of 2018

This application has been moved for placing on record the amended 'Memo of Parties'.

Learned counsel for the applicant-petitioner submits that inadvertently, the name of father of the applicant-petitioner has wrongly been mentioned in the earlier 'Memo of Parties' and hence, the corrected 'Memo of Parties' has been placed on record.

Notice in the application.

On asking of the Court, Mr. Amit Mehta, Sr. D.A.G., Punjab, who is present in the Court, accepts notice on behalf of respondent-State.

Criminal Misc. Application is allowed as prayed for and the amended 'Memo of Parties' attached with the application is taken on record.

CRM-M No.26909 of 2018

This petition has been filed by petitioner-Nirvair Singh under

Section 439 Cr.P.C for grant of regular bail to him in case FIR No.86 dated 28.06.2016 registered under Section 21 of NDPS Act at Police Station Sadar Fazilka, District Fazilka during pendency of trial.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case, whereas, the present FIR was got registered against him while he was in custody in connection with some other FIR. She further submits that the petitioner has been implicated on the basis of disclosure statement, which has no evidentiary value. The disclosure statements of three accused were recorded while they were in custody in some other cases where the allegation were there for purchasing of 300 grams *heroin* from Patti City from some unknown person. No recovery was effected from the petitioner and only on the basis of disclosure statements, he has been implicated. Learned counsel also submits that the challan in the present case has been presented and the petitioner is in custody since 28.06.2016. Co-accused of the petitioner, namely, Talwinder Singh has approached this Court by way of filing ***CRM-M No.14427 of 2018*** and he was granted bail vide order dated 31.05.2018.

Learned State counsel has not disputed the custody period as well as stage of trial and also the fact that the petitioner has been involved in the case on the basis of disclosure statements made by co-accused.

Heard the arguments of learned counsel for the parties and have also perused the contents of the FIR as well as other documents available on the file.

Admittedly, the petitioner has been implicated in the case on the basis of disclosure statements made by co-accused and he is in custody since 28.06.2016. Co-accused of the petitioner has been released on bail

vide order dated 31.05.2018. After presentation of challan, not even a single witness has been examined and all witnesses are the official witnesses and there is no possibility of the petitioner to influence them or to tamper with the evidence.

Accordingly, the present petition is allowed and petitioner, namely, Nirvair Singh is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court.

06.07.2018
gurpreet

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No