

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

CRM-M No.42561 of 2018
DATE OF DECISION:03.10.2018

Nishan Singh

...Petitioner

Vs.

State of Punjab

..Respondent

CORAM:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Sarju Puri, Advocate
for the petitioner.

Mr. C. L., Senior DAG, Punjab.

DAYA CHAUDHARY, J.(ORAL)

Through the present petition filed under Section 439 Cr. P.C., the petitioner seeks regular bail in case FIR No.01, dated 03.01.2018, registered under Sections 66-D, 66-F of Information Technology Act, 2000, Section 135 of Customs Act, 1962, Sections 18, 21, 29 of NDPS Act, 1985, Section 25 of Arms Act, 1959, Section 3 of Official Secret Act, 1923 and Sections 489-A, 489-B, 489-C IPC, 1860 at Police Station State Special Operation Cell, Fazilka, District Fazilka.

Learned counsel for the petitioner submits that initially the FIR was registered under different sections but ultimately charge was framed under NDPS Act only. Learned counsel also submits that FIR was registered on the basis of secret information and name of the petitioner was not mentioned, he was not found to be present at the place of occurrence and no recovery was effected from him. Petitioner has been implicated on the basis of disclosure statement made by co-accused Prem Singh from

whom the recovery was effected. Learned counsel also submits that there is no connecting evidence against him, only one case is pending under NDPS Act and in that case also he has been released on bail. Even recovery in that case was very small. Learned counsel also submits that petitioner is in custody since 30.04.2018.

Learned State counsel has not disputed the custody period as well as the submissions with regard to involvement of the petitioner on the basis of disclosure statement made by co-accused Prem Singh.

Accordingly, by considering the submissions made by learned counsel for the petitioner that the petitioner has been implicated on the basis of disclosure statement which has no evidenciary value, petitioner was earlier in jail because of other case of NDPS Act but when he was released on interim bail, he was implicated in the present case. At this stage nothing can be said as no connecting evidence is there except the disclosure statement.

By considering the custody period and role of the petitioner, the present petition is allowed and petitioner, namely Nishan Singh is directed to be released on regular bail on furnishing bail/surety bonds to the satisfaction of the trial Court.

03.10.2018
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(DAYA CHAUDHARY)
JUDGE

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