

CRM-M-1608-2019

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

CRM-M-1608-2019

Date of Decision: 15.03.2019

Nirmal Singh alias Soni

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. L.S.Sekhon, Advocate,
for the petitioner.

Mr. Dhruv Dayal, Sr. DAG, Punjab.

INDERJIT SINGH, J. (Oral)

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.97 dated 03.07.2017, registered at Police Station Sirhind, District Fatehgarh Sahib, under Section 15 of the NDPS Act, 1985 (Section 25 of the NDPS Act, 1985 and Section 483 of the IPC added later on).

Notice of motion was issued. Learned State counsel has appeared and contested the instant petition.

I have heard learned counsel for the petitioner as well as learned State counsel and gone through the record.

From the record, I find that FIR, in the present case, has been registered on the basis of secret information. The FIR is against Chamkaur Singh in which the present petitioner is also named. As per

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the FIR, a *Naka* was laid by the police party and a car was intercepted in which co-accused namely Chamkaur Singh and Harvinder Singh alias Harry were travelling. From the car, one quintal poppy husk was recovered. During investigation, co-accused Harvinder Singh alias Harry disclosed that the present petitioner and one another co-accused had alighted from the car at Rajpura and they were also with them. Challan has already been presented. Except the disclosure statement of accused, which is inadmissible in evidence, no cogent evidence has been collected against the present petitioner.

The petitioner has been in custody since 29.08.2018. He is not required for any investigation or interrogation purposes as he is in judicial custody. The trial of case may take a long time. No useful purpose will be served by keeping the petitioner in custody till the final disposal of the case.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, this criminal miscellaneous petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal bonds in the sum of Rs.50,000/- with one surety in the like amount to the satisfaction of the trial Court/Duty Magistrate.

15.03.2019

parveen kumar

**(INDERJIT SINGH)
JUDGE**

Whether speaking/reasoned : Yes
Whether reportable : No