

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

**CRM-M No. 45482 of 2019
Date of Decision:-30.10.2019**

Nirmal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Vipin Mahajan, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab

MANOJ BAJAJ J.(Oral)

Petitioner-Nirmal Singh has filed the present petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No. 65 dated 07.9.2019, under Sections 420 and 188 IPC and Section 9-B of Explosive Act, 1884, registered at Police Station Qila Lal Singh, Police District Batala, District Gurdaspur. The petitioner was arrested by the police on 07.9.2019 and is in judicial custody since 09.9.2019.

As per FIR, on 07.9.2019 when the police party was moving for patrolling from Police Station to Adda Dalam Nangal, they received a secret information that accused Sukhwinder Singh s/o Kartar Singh used to

hide explosive stuff of crackers etc. and sell the same at high rates. His brother Nirmal Singh, who is disabled, helps him in those illegal activities and also they do not have any permission to store and make explosive stuff. It is alleged that they are cheating the Government by not paying the requisite fee also and there is every likelihood for occurring an accident as the place, where the explosive stuff is hiding is situated in crowded area of the village.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case as he is totally disabled person. In this regard, disability certificate is also issued by the Civil Surgeon, Gurdaspur, which is annexed with the petition as Annexure P-2, which itself depicts that petitioner is hundred percent permanent disabled. He further contends that no recovery has been effected from the petitioner, rather the same has allegedly been effected from the room of accused Sukhwinder Singh, who, earlier was issued license (bearing No.05/DMGSP/2008), which was renewed from time to time.

On the other hand, learned State counsel, who is assisted by ASI Nirmal Singh opposed the prayer on the ground that the investigation is still going on.

After hearing learned counsel for the parties, this Court finds that the trial of the case is likely to consume considerable time and keeping in view the custodial period as well as the permanent disability of the petitioner, his further custody may not be justified. Therefore, without meaning any expression of opinion on the merits of the case, it is ordered

that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court, Gurdaspur.

The petition is allowed.

October 30, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No