

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-9184-2020 (O&M)

Date of Decision:- 10.6.2020

Nirmal Singh

... Petitioner

Versus

Narcotics Control Bureau Chandigarh

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sunny K. Singla, Advocate, for the petitioner.

Mr. Rajiv Sharma, APP, U.T. Chandigarh (for NCB).

*(the aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in Virtual Court)*

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has filed this petition seeking grant of regular bail in a case registered against him vide FIR No.19 dated 24.4.2019 under Sections 8, 18, 29 & 60 NDPS Act at Police Station Narcotics Control Bureau, Chandigarh.
2. It is the case of prosecution that on 23.4.2019 pursuant to receipt of secret information three persons namely Hari Shanker, Rajesh Kumar and Rahul were apprehended who were found in possession of 4.65 kilograms of "Opium". It is further the case of prosecution that during interrogation they disclosed that the said "Opium" was to be

delivered to the petitioner Nirmal Singh, Gurmail Singh and Lakhwinder.

3. Learned counsel for the petitioner has submitted that he was never arrested at the spot and is sought to be nominated as an accused on the basis of alleged statement of co-accused recorded during the course of their interrogation, the veracity & admissibility of which would be debatable.
4. Opposing the petition, learned State counsel has submitted that since the petitioner has specifically been named by the co-accused from whose possession huge quantity of "Opium" was recovered and during the course of investigation it was found that huge amount had been transferred by the petitioner in the account of co-accused and that he was regularly in touch with the co-accused over telephone, the same would clearly show his complicity. It has however been informed that as on date only 2 PWs out of cited 29 PWs have been examined.
5. I have considered rival submissions addressed before this Court. Bearing in mind the fact that the petitioner was not arrested at the spot and is sought to be nominated on the basis of disclosure statement made by co-accused, the veracity and admissibility of which is yet to be tested during the course of trial, in my opinion, further detention of the petitioner will not serve any useful purpose as the conclusion of trial is likely to take some time.
6. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to

the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty
Magistrate concerned.

June 10, 2020

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No