

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

Sr. No.224

**Crl. Misc. No.M-16912 of 2020 (O&M)
DATE OF DECISION: 30.09.2020**

NIRMAL SINGH @ NIMA

..PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Ravi Malhotra, Advocate, for the petitioner.
Mr. Ajay Pal Singh Gill, DAG, Punjab.

SUDHIR MITTAL, J. (ORAL)

Crl.Misc. No.24136 of 2020

The application is allowed as prayed for. Status of pending cases is taken on record.

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The petitioner seeks grant of regular bail in case FIR No. 01 dated 01.01.2017 registered at Police Station Rawalpindi, District Kapurthala, under Sections 399, 402, 411 IPC and Section 21 of NDPS Act, 1985 and Section 25 of Arms Act, 1959.

Learned counsel for the petitioner submits that the petitioner has been in custody for more than three and a half years. Examination of PWs has not yet commenced and thus, the trial is not likely to be concluded at an early date. Thus, the petitioner deserves to be granted regular bail.

Learned State counsel concedes that the petitioner has been in custody for over three and a half years. He in fact states that the actual custody is 03 years, 08 months and 22 days. He also concedes the status of the trial. The bail is however opposed on account of the criminal

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antecedents of the petitioner. It is submitted that there are 16 other cases pending against the petitioner, although, none of them is under the NDPS Act, 1985. The number of cases pending shows that the petitioner is a hardened criminal and it is not safe to release such person in society.

In response, learned counsel for the petitioner submits that out of the 16 alleged pending cases, the petitioner has been discharged in 06 cases and is on bail in all the remaining cases. The details have been placed on record vide the application allowed today.

It is thus evident that the petitioner has been in custody for 03 years, 08 months and 22 days and the trial is not likely to be concluded at an early date. Under the circumstances, he is entitled to grant of bail on the ground of period of custody only. Pendency of other criminal cases would not come in the way of the petitioner because he has been in custody for 03 years, 08 months and 22 days. Keeping an accused in custody for such a lengthy period coupled with the fact that the trial is not likely to be concluded at an early date, would amount to violation of constitutional rights of an accused. Thus, I deem it appropriate to release the petitioner on regular bail.

Accordingly, the petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

30.09.2020

Ankur

(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No