

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-36316 of 2020
Date of Decision: 12.11.2020

Nirmal Singh @ Photo

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Sandeep Siwach, Advocate
for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

KARAMJIT SINGH, J.(Oral)

Case has been heard through video conferencing on account of
COVID-19 Pandemic.

The present petition has been filed under Section 439 Code of
Criminal Procedure for grant of regular bail to the petitioner in case FIR
No.188 dated 10.8.2020 registered for the offences punishable under
Sections 15, 27A of NDPS Act at Police Station Sadar Ratia, District
Fatehabad.

Heard.

As per the allegations appearing in the FIR, on 10.8.2020, 6 KG
of poppy straw was recovered from the petitioner's possession in the area of
Police Station Sadar Ratia. He was immediately taken into custody and
presently, he is lodged in judicial custody.

Counsel for the petitioner submits that the Court of Special
Judge dismissed the regular bail application of the petitioner just on the
ground that he is also accused in another three cases of similar nature.

Counsel for the petitioner has brought to the notice of this Court that in one of the case, he has been acquitted while in other two cases, the petitioner is on bail.

On the other hand, learned State counsel submits that another three cases under NDPS Act are pending against the petitioner, in which he is on bail.

Recovery of 6 KG of poppy straw comes under non-commercial quantity as per the provisions of NDPS Act. So, the provisions of Section 37 of the NDPS Act are not attracted in the present case. The other cases under NDPS Act are pending against the petitioner, as per learned State counsel, who has made statement on the basis of instructions of SI Baldev Singh.

It is not disputed that in all the other criminal cases, the petitioner is on bail. In the present case, the petitioner is already in custody for a period of more than 3 months. It will take time for completion of the trial, as charges have not been framed till date against the petitioner. In these circumstances, no useful purpose will be served by detaining the petitioner in custody for any further period.

Thus, without commenting upon the merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Nirmal Singh @ Photo is ordered to be released on regular bail during the pendency of the trial on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

November 12, 2020

Paritosh Kumar

**(KARAMJIT SINGH)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No