

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

**Sr. No.225**

**CRM-M-50337-2019**

**Date of decision: 14.12.2020**

Nirvail Singh @ Nirvair Singh

....Petitioner

versus

State of Punjab

....Respondent

**CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL**

Present: Mr. A.P.S. Deol, Senior Advocate with  
Mr. H.S. Deol, Advocate  
for the petitioner.

Mr. H.S. Multani, Asstt. A.G., Punjab.

\* \* \*

**DEEPAK SIBAL, J. (Oral)**

Case taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.134 dated 06.08.2019 registered under Sections 21, 25, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Gharinda, District Amritsar.

Learned Senior counsel appearing for the petitioner contends that the petitioner has been falsely implicated in the case and in this regard has drawn attention of this Court to CCTV footage showing falsity in the case of the prosecution; there is no other criminal case in which the petitioner is involved; the petitioner has already been in custody for over 10 ½ months; during the period when the petitioner was on interim bail due to Covid-19 he has not misused such concession; co-accused Jagtar Singh @ Jaggu, whose case is on an identical footing has been granted regular bail by this Court on 24.11.2020 and the petitioner's trial which is yet to commence will take a long time to conclude especially in the present circumstances when the world is facing the Covid-19 pandemic.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner was found in illegal possession of 500 gms of heroin.

Whether the petitioner was illegally arrested as is sought to be projected from the CCTV footage will be debated during the course of trial. However, co-accused Jagtar Singh @ Jaggu, who is similarly placed as the petitioner and had approached this Court through CRM-M- 19148-2020 - Jagtar Singh @ Jaggu versus State of Punjab, has been granted regular bail through order of this Court dated 24.11.2020; the petitioner has already been in custody for over 10 ½ months; there is no other criminal case in which the petitioner is involved; the petitioner did not misuse the concession of interim bail granted to him due to Covid-19 and the petitioner's trial which is yet to commence and in which 15 prosecution witnesses are to be examined is likely to take a long time to conclude especially in the present circumstances when the world is facing the Covid-19 pandemic.

Keeping in view the totality of the above facts, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Amritsar, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

**(DEEPAK SIBAL)**  
**JUDGE**

**December 14, 2020**  
*Jyoti 1*

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No