

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

210

CRM-M-23147 of 2021

Date of Decision: June 30, 2021

Nirmal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr. Charanjit Singh Sharma, Advocate for the petitioner.

Mr. R.S. Khaira, AAG, Punjab.

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HARINDER SINGH SIDHU, J.

The petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail in case FIR No.69 dated 14.07.2019 under Section 15, 29, 61 of Narcotic Drugs and Psychotropic Substances Act, 1985 (Sections 18 and 22 NDPS Act added later on) registered at Police Station Kulgarhi, District Ferozepur.

The FIR was registered on receipt of a secret information that Balwinder Singh son of Karam Singh is the owner of a Tralla bearing registration No. PB-05-AB-9456. One Tarlok Singh son of Kehar Singh is appointed by him as a driver on the said Tralla. They used to deliver articles to Army Canteen at Pathankot from Rajasathan and in the garb of transportation of the articles, they used to bring poppy husk from Rajashtan to Punjab. On the basis of that secret information, the Tralla was intercepted and five bags of 40 Kilograms each and 5 bags of poppy husk each containing 20 Kilograms were recovered from it. In the course of investigation Arshdeep Singh son of Balwinder Singh was arrested on 18.07.2019 and on his disclosure statement 700 grams of opium, one quintal

of poppy husk and 1200 intoxicant tablets along with drug money of Rs.

30,000/- were recovered.

It is alleged that Arshdeep Singh in his disclosure statement named Gurpreet Singh and Inderjit Singh @ Indri. In his further disclosure statement recorded on 23.07.2019 Arshdeep Singh named the petitioner and one Mukhtiar Singh alleging that they were also indulge in selling narcotics in the State of Punjab.

Learned counsel for the petitioner states that no recovery has been effected from the petitioner and the name of the petitioner is surfaced in the disclosure statement made by Arshdeep Singh. It is further stated that the petitioner is in custody since 25.10.2019.

Taking into account the facts and circumstances of the case, without commenting anything on the merits and bearing in mind the fact that the petitioner is in custody since 25.10.2019, in my opinion, no useful purpose would be served by detaining the petitioner behind bars any further. The petition, as such, is accepted. Petitioner-Nirmal Singh is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

However, in case the petitioner indulges in any activity akin to one for which he has been convicted, while on bail, the prosecution agency will be at liberty to seek the cancellation of the order granting bail to the petitioner.

The present petition stands accepted accordingly.

June 30 , 2021
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(HARINDER SINGH SIDHU)
JUDGE

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No