

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

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**CRM-M-32524-2020 (O&M)**

Date of decision : 21.09.2021.

Nishan Singh

... Petitioner

Versus

State of Punjab

.. Respondent

**CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL**

Present:- Mr. Parminder Singh Sekhon, Advocate for the petitioner.

Mr. Ramdeep Pratap Singh, DAG, Punjab.

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**Anupinder Singh Grewal, J. (Oral)**

**CRM-30663-2020**

This application is for placing on record Annexure P-4.

Heard. For the reasons stated in the application, the same is allowed and Annexure P-4 is taken on record.

**Main case**

The petitioner is seeking regular bail in FIR No.115 dated 16.09.2012 under Section 15 of the NDPS Act registered at Police Station Mehatpur, District Jalandhar.

Learned counsel for the petitioner contends that the petitioner is not named in the FIR which has been registered on the basis of secret information. Recovery of 110 bags of poppy husk was allegedly effected from co-accused Dharminder Singh and Kulvir Singh. The petitioner has been arraigned as an accused on the statement of Major Singh, who is alleged to be a witness. Major Singh had stated that the petitioner was travelling in the car which was accompanying the truck from where recovery was effected. However, Major Singh in his deposition before the trial Court had submitted that he was not present at the place of occurrence and his signatures had been taken by the police on blank

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papers. Co-accused Tarlochan Singh, who had been arraigned as an accused as it was alleged that he had run away from the spot, was acquitted at the conclusion of the trial while co-accused Dharminder Singh and Kulvir Singh were convicted at the conclusion of the trial. The petitioner could not be produced before the Court by the police authorities although he was in custody in some other case at the time of the occurrence. He also contends that the petitioner is in custody for over 13 years as he is convicted in three cases and has been awarded a total sentence of 32 years in all the cases. The petitioner is unlikely to be released from jail even if he is granted bail in this case.

Learned State counsel has filed custody certificate in Court, which indicates that the petitioner is in custody for 09 years, 10 months and 03 days as on 20.09.2021. Learned State counsel states that although challan has been filed but no prosecution witness has been examined so far.

Heard.

In view of the above especially when no recovery has been effected from the petitioner, he is in custody for over nine years, the Covid-19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)  
JUDGE

September 21, 2021

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|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether Reportable        | : | Yes/No |