

209.

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-39483-2020

Date of decision: 16.03.2021

NIRMAL SINGH ALIAS NIMMA

... Petitioner

versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Charanpreet Singh, Advocate,
for the petitioner.

Mr. Avtar Singh Sandhu, Additional Advocate General, Punjab.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.15 dated 12.02.2019 registered under Section 22 of NDPS Act, 1985 at Police Station Payal, District Ludhiana.

As per the FIR, the recovery of 1320 tablets of lomotil was allegedly effected from the petitioner and as per the report of the Chemical Examiner, the salt found in the tablets is Diphenoxylate Hydrochloride and Atropine Sulphate. The total weight of tablets comes to 83 grams. The learned Judge, Special Court, Ludhiana has declined bail to the petitioner vide order dated 31.05.2019 as the recovered quantity was commercial.

Counsel for the petitioner submits that apart from the fact that the petitioner is in custody since 13.02.2019, the alleged recovery is

marginally higher than the commercial one. There is no other case against the petitioner.

Learned State counsel does not dispute the custody and the quantity.

I have heard learned counsel for the parties.

Noticing the fact that the petitioner is in custody since 13.02.2019, trial in the case is not likely to be concluded in the near future and no other case has been pointed out against the petitioner, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

It is made clear that in case the petitioner is found involved in any other case, the prosecution shall be at liberty to seek cancellation of his bail.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial court shall decide the case on the basis of available material.

(HARI PAL VERMA)
JUDGE

16.03.2021
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No