

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-1119-2022

DATE OF DECISION: MAY 5, 2022

NIRMAL SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. INDERJIT SHARMA, ADVOCATE FOR THE PETITIONER.
MR. RAMANDEEP SINGH SANDHU, SR.DAG, PUNJAB.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.0081 dated 12.7.2021, under Section 22(c)/61/85 NDPS Act, Police Station Sadar Gurdaspur, District Gurdaspur, who is in custody since his arrest on 12.7.2021.

The allegations contained in the FIR as noticed by the Addl. Sessions Judge, in the order dated , are as under:-

“Heard. Considered. In this case as per FIR dated 12.07.2021 it has been alleged that police during patrolling duty and checking of suspected persons when reached T Point Alle Chack turning point bypass, then one person was seen driving motorcycle bearing no. PB-06-AQ-2712 and one Sikh man was sitting as pillion rider and on seeing the police party they tried to left the spot, but on the basis of suspicion they were apprehended. The driver of the motorcycle disclosed his name Sulakhan Raj and pillion rider disclosed his name Nirmal Singh as accused persons respectively and on search of the pockets of their trousers two envelopes

were recovered. In the envelope belonging to the non applicant Sulakhan Raj 900 intoxicant tablets were recovered and from the envelope belonging to the applicant Nirmal Singh 500 intoxicant tablets were recovered and same were taken into police possession and applicant and non applicant were arrested.”

Learned counsel for the petitioner has argued that as per prosecution, separate recoveries of 500 intoxicant tablets of Tramadol and similar 900 tablets were effected from the petitioner and his co-accused, respectively at the time of their arrest and in this regard, he has invited the attention of the Court to the Recovery Memo (Annexure P-4). He further submits that the investigation in the subject FIR is over and the final report stands filed, but the trial is yet to commence. Learned counsel prays for regular bail.

On the other hand, learned State counsel assisted by ASI Baljit Singh while opposing the aforesaid prayer has produced the custody certificate of the petitioner dated 5.5.2022, by way of affidavit of Shyamal Jyoti, PPS, Additional Superintendent, Central Jail, Amritsar to point out that the petitioner was previously embroiled in a case FIR No.42 dated 9.7.2018, under Section 22/61/85 NDPS Act, Police Station Bherampur, Gurdaspur, wherein he was convicted and sentenced to the undergone period of 28 days. However, it is not disputed that except for this case, the petitioner is not involved in any other case.

Considering the above background, the custody of the petitioner, and the fact that the charges are yet to framed, further detention of the petitioner behind the bars may not be necessary for any useful

purpose, as the trial would take considerable time to conclude. Further, the prosecution witnesses are the police officials and at present there does not seem any possibility of their being won-over.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

May 5, 2022
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No