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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-2556-2022 in/and
CRM-M-1901-2022 (O&M)
Date of Decision:17.02.2022

Niramal Singh @ Nimma

.. Applicant/Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Krishan Kanha, Advocate for applicant-petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

...

Manoj Bajaj, J. (Oral)

CRM-2556-2022

The instant application is for pre-poning the date of hearing of the main petition to an early date.

Notice in the application.

At this stage, Mr. Ramdeep Partap Singh, DAG, Punjab, accepts notice on behalf of the respondent-State and does not oppose the prayer.

Application is allowed and the date of hearing is pre-poned to today.

CRM-M-1901-2022 (O&M)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C, pending trial in case FIR No.76 dated 27.05.2015 registered under Section 22 NDPS Act, 1985 at Police Station Bhikhiwind, District Tarn Taran. The petitioner is in custody since his arrest on 16.03.2020.

As per FIR, on 27.05.2015, the police party was on patrolling duty and when they reached near T-point Chung, then two person were seen coming on a motorcycle bearing registration No.PB-38-2540, who on seeing them, immediately took U-turn and tried to escape. They were apprehended on suspicion and on inquiry, they disclosed their names as Sukhwant Singh alias Sukh and Nirmal Singh @ Nimma. Upon personal search of the accused, 270 grams of intoxicant powder was recovered from Nirmal Singh @ Nimma and 70 grams of intoxicant powder was recovered from accused Sukhwant Singh @ Sukh.

Learned counsel for the petitioner has argued that after arrest of the petitioner on 27.05.2015, he was released on interim regular bail and on 18.02.2020, he was declared as procalimed offender and he was again sent in custody w.e.f. 16.03.2020 and since then he is in custody. He has drawn the attention of the Court to the order dated 25.11.2021 (Annexure P-3), whereby his similarly situated co-accused, namely, Sukhwant singh @ Sukha has been released on regular bail. He prays for bail.

Learned State counsel assisted by SI Kulwant Singh states that the petitioner was declared as proclaimed offender vide order dated 18.02.2020, but it is not disputed by him that the recovery of contraband was effected on 28.05.2015, whereas the final report was filed in May, 2019 and at that time, the petitioner was on interim bail.

After hearing the learned counsel for the parties and considering the above background, particularly the custodial period of the petitioner, his further detention behind the bars may not be necessary for any useful purpose. Apart from it, the material witnesses are police officials and at present there does not seem to be 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/Duty Magistrate concerned.

The petition is allowed.

17.02.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No