

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

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CRM-M-3800-2021 (O&M)

Date of Decision: 23.02.2022

Nirmal Singh @ Nimma

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Karan Kalra, Advocate, for
Mr. Sandeep Verma, Advocate, for the petitioner.

Mr. M.S.Dullat, Addl. AG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

CRM-M-36046-2021

For the reasons mentioned in the application, the same is allowed and the instructions dated 27.04.2015 are taken on record as Annexure P-3 subject to all just exceptions.

CRM-M-3800-2021

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.19 dated 08.02.2020 at Police Station Kabarwala, District Sri Muktsar Sahib, under Section 22 of the NDPS Act.
2. The allegations as per the FIR are broadly to the effect that on 08.02.2020, when a police party was proceeding on the link road from Kabarwala towards Village Gurusar Jodha for the purpose of patrolling and checking, two persons, who had parked their motor-cycle, were seen standing on the bridge Kanshi and they were counting something after

taking the same from a bag. Upon noticing the police, the said two persons tried to run away and during that process, the bag which was opened fell on the ground and from which some strips were visible. The said two persons were apprehended by the police and who upon inquiry disclosed their names as Mangal Ram and Nirmal Singh (petitioner). The search of the bag led to recovery of 5400 tablets of 'Tramadol' and 1600 tablets of 'Alprazolam'.

3. Learned counsel for the petitioner has submitted that in the present case, an absolutely identically situated co-accused, namely Mangal Ram has already been granted bail by this Court vide order dated 25.11.2021 and in these circumstances, the petitioner also deserves the same concession on grounds of parity.
4. Opposing the petition, learned State counsel has submitted that since a commercial quantity of contraband was recovered from the petitioner and his co-accused, no case for grant of bail is made out. It has, however, been informed that the petitioner stands convicted in one case under the NDPS Act. It has also been informed that the petitioner as on date has been behind bars since the last about 2 years and that none of the cited 16 PWs has been examined till date.
5. I have considered rival submissions addressed before this Court.
6. Without commenting anything as regards the merits of the case, but keeping in view the fact that an identically situated co-accused has already been granted bail by this Court vide order dated 25.11.2021 and the petitioner otherwise has been behind bars for a substantial period of about 2 years and the trial has not even commenced till date inasmuch as

not even a single PW out of cited 16 PWs has been examined till date, further detention of the petitioner will not serve any useful purpose as the conclusion of trial will take some time. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

23.02.2022

Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No