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

CRM-M No.20539 of 2021(O&M)
Date of Decision: 04.04.2022

Nirvail Singh

-Petitioner

Versus

State of Punjab

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. G.S. Sandhu, Advocate,
for the petitioner.

Mr. C.L. Pawar, Sr. DAG, Punjab.

RAJ MOHAN SINGH, J. (Oral)

CRM No.10057 of 2022

For the reasons mentioned in the application, the same is allowed. Accompanying documents are taken on record subject to all just exceptions.

Main case

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in his second attempt in case bearing FIR No.70 dated 17.08.2019 registered under Sections 22 and 29 of the NDPS Act at Police Station Valtaha, District Tarn Taran.

Earlier CRM-M No.10537 of 2020 was got dismissed as withdrawn on 13.01.2021.

As per allegations in the FIR, the case was registered on the basis of chance recovery. 2510 intoxicant tablets were allegedly recovered from the petitioner. In the disclosure statement of the petitioner, co-accused Harchand Singh was implicated and the co-accused in on bail.

Learned counsel for the petitioner submits that the petitioner was arrested on the date of registration of FIR i.e. 17.08.2019 and he is not involved in any other case, except FIR No.64 dated 04.04.2018 under Section 21 of the NDPS Act, Police Station City Patti, in which, he is on bail. Learned counsel further submits that in the aforesaid case, the complicity of the petitioner is based on disclosure statement of the co-accused in respect of alleged recovery of 48 grams of heroin. As of now, the petitioner has already undergone more than 2 years and 7 months of incarceration. After filing of the challan, no PW has been examined so far. The trial of the case may take long time in its culmination.

On the other hand, learned State counsel opposed the bail on the ground that the petitioner has antecedent behaviour of criminal activities in view of his involvement in FIR No.64 dated 04.04.2018 under Section 21 of the NDPS Act, Police Station City Patti. He, however, admits that no prosecution witness has been examined so far.

Taking into consideration the aforesaid facts, particularly the custody of the petitioner since 17.08.2019, I deem it appropriate to enlarge the petitioner on regular bail without meaning anything on merits of the case.

In view of above, the present petition is allowed. Petitioner is directed to be released on regular bail subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate.

Nothing expressed hereinabove, would be construed to be an expression of opinion on the merits of the case.

04.04.2022
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(RAJ MOHAN SINGH)
JUDGE

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