

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-45190-2022
Date of Decision: 11.10.2022

Nirmal Singh

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. P.P.Brar, Advocate for
Mr. K.B.S. Mann, Advocate, for the petitioner.

Mr. Kunal Vinayak, AAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No. 146 dated 04.08.2022, under Section 15(b) of NDPS Act, registered at Police Station Sadar, Sri Muktsar Sahib, District Sri Muktsar Sahib.

The learned counsel for the petitioner has submitted that the petitioner is in custody from 06.08.2022 and the investigation of the case has already been completed and thereafter, the challan has been presented before the competent Court. He further submitted that the petitioner has been falsely implicated in the present case only on the ground that earlier he was involved in one another case in which he has already undergone sentence of 38 days. He submitted that even otherwise also, as per the allegations there was an alleged recovery of 5 Kgs. of poppy husk allegedly from the petitioner and the other co-accused Baljinder Singh. He submitted that the alleged recovery does not fall in the category of commercial quantity under the NDPS Act and apart from

the same, the other co-accused namely Baljinder Singh has already been extended the benefit of bail. He submitted that in view of the aforesaid position, he may be considered for the grant of regular bail.

On the other hand, Mr. Kunal Vinayak, learned Assistant Advocate General, Punjab has submitted that so far as the custody period of the petitioner is concerned, the same is correct and the investigation of the case has been completed and the recovery in the present case was 5 Kgs. of poppy husk from two accused i.e. the petitioner and the other co-accused namely Baljinder Singh who has already been extended the benefit of regular bail.

I have heard the learned counsel for the parties.

The investigation of the case has been completed. The alleged recovery does not fall in the category of commercial quantity. The other co-accused namely Baljinder Singh has already been extended the benefit of regular bail. The trial of the case may take long time.

In view of the aforesaid facts and circumstances, this Court deems it fit and proper to grant regular bail to the petitioner.

Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

11.10.2022

rakesh

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)

JUDGE

: Yes/No
: Yes/No