

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

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CRM-M-50078-2021 (O&M)
DATE OF DECISION: 07.03.2022

Jagwinder Singh @ Nikka Singh

.....Petitioner

versus

State of Punjab

.....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Ajeet Pal Singh Pakka, Advocate for the petitioner.

ALKA SARIN, J. (Oral):

Heard in virtual mode.

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.51 dated 04.07.2021 registered under Sections 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act) (offence under Section 29 of the NDPS Act was added later on vide DDR No.31 dated 05.07.2021) at Police Station Balianwali, District Bathinda.

Learned counsel for the petitioner would contend that the petitioner has falsely been implicated in the case and his name was nominated only on the basis of the disclosure statement of the main accused Gurjant Singh @ Janta from whom the alleged recovery was made on the spot. Learned counsel for the petitioner would further contend that there is no other case pending against the petitioner as also that there was no recovery which was affected from the petitioner.

Notice of motion.

Mr. H.S.Multani, AAG Punjab accepts notice and has filed a custody certificate of the petitioner. Learned State counsel, on instructions from ASI Kewal Singh, is not in a position to deny the fact that besides the disclosure statement there is no other evidence linking the petitioner to the said incident. As per the custody certificate, there is no other case pending against the petitioner.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case and keeping in view the fact that the name of the petitioner was nominated on the basis of the disclosure statement of the main accused as also the fact that there is no other case pending against the petitioner and the fact that the trial is likely to take some time to conclude, I deem this to be a fit case to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate/Trial Court concerned.

However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

Disposed off.

March 07, 2022
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(ALKA SARIN)
JUDGE

NOTE:

Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO