

CRM-M-18700-2023

DECIDED ON: 05.07.2023

NIRMAL SINGH @ NIMMA

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Shiv Kumar Rana, Advocate for
Mr. Ravinder Bangar, Advocate
for the petitioner.

Mr. Karan Puggal, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court under Section 439 of the Code of Criminal Procedure, has been invoked for the grant of regular bail to the petitioner in FIR No. 198, dated 25.11.2021, under Section 15(c), 25 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sadar, Bathinda.

2. Learned counsel for the petitioner has vehemently contended that the petitioner was neither the owner of the tralla nor he was driving the same. The petitioner had no knowledge about the presence of any such contraband i.e., 153 Kgs of Poppy husk alleged to be recovered from the said tralla. He further contends that the petitioner is not involved in any other case of any nature whatsoever and has already suffered incarceration for a period of 1 year 7 months and 4 days as of now. He relies upon the order dated 16.05.2023 passed in CRM-M-22589-2023 whereby, the co-accused of the petitioner namely Birbal Singh, who is the driver of the said tralla, has already been granted the concession of regular bail.

3. Custody certificate filed by learned State counsel is taken on record and as per the said certificate, the petitioner has suffered incarceration for a period of 1 year 7 months and 4 days as of now. A perusal of the custody certificate reveals that the petitioner is not involved in any other case of any nature whatsoever, meaning thereby, the petitioner is having clean antecedents.

4. Considering the afore-said facts and circumstances added with the facts that the petitioner was neither the driver nor the owner of the vehicle; the co-accused of the petitioner who was driving the tralla has already been granted the concession of regular bail by this Court; challan stands presented; nothing is to be recovered from the petitioner and the conclusion of trial is likely to take certain long time, this Court is of the considered view that no useful purpose would be served by keeping the petitioner behind the bars for an indefinite period.

5. Accordingly, the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

6. The petition is allowed in the afore-said terms.

7. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

(SANDEEP MOUDGIL)
JUDGE

05.07.2023

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