

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

CRA-D-770-2022

Date of decision:- 25.09.2023

Nirmal Singh @ Neel

.... Appellant

vs.

State of Punjab

... Respondent

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI
HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Mr. Saurabh Bhatia, Advocate
for the appellant.

Mr. J.S. Mehndiratta, Addl.A.G. Punjab with
Mr. Alankar Narula, AAG, Punjab

Ritu Bahri, J.

1. The instant appeal has been filed under Section 21 of the National Investigation Agency Act, 2008 read with Section 372 of Cr.P.C. and has been directed against the order dated 13.12.2021 passed by learned Additional Sessions Judge, Kapurthala, in case bearing FIR No. 140 dated 07.05.2020, registered under Sections 384, 465, 467, 468, 471, 473, 482, 489, 120-B of IPC and Section 13 of Unlawful Activity Prevention Act, 1967 and Section 18 and 19 of Unlawful Activity Amendment Order Act 04 and Section 25 of Arms Act, registered at Police Station Sultanpur Lodhi, District Kapurthala, whereby the bail application filed by the present appellant had been dismissed.

2. It is submitted by the appellant that the impugned order dated 13.12.2021 is not sustainable in the eyes of law and is liable to be set aside as he has been falsely implicated in this case. He was not named in the FIR. He has been involved in this case on the basis of disclosure statement of the co-accused,

namely, Gursewak Singh @ Jazzy (non-applicant). Hence prayer has been made for allowing the appeal and extending benefit of regular bail to him.

3. Learned AAG, Punjab representing the respondent-State has contested the application by submitting that there are serious allegations against the appellant and there are chances of his misusing the concession of bail, if granted. Hence, it has been urged by him that the appeal does not deserve to be allowed.

4. It has been submitted by learned State counsel that out of 36 witnesses which are to be examined by the prosecution, three have since been examined. The trial is likely to take time.

5. Learned counsel for the appellant has placed reliance upon order dated 25.08.2023 passed in CRA-D-924-2022 whereby accused Balwinder Singh @ Baba had been extended benefit of regular bail. The name of the appellant was made by Gursewak Singh @ Jazzy in his disclosure statement and no recovery has been effected from him. As per the custody certificate, the appellant is in custody for a period of 3 years, 2 months and 22 days.

6. Keeping in view the fact that the trial is not likely to conclude in near future and the nature of the allegations as levelled against the appellant, we are of the opinion that appeal deserves to be allowed. Hence the same is allowed and the appellant is ordered to be released on bail within a week from today on furnishing bail bonds/surety bonds to the satisfaction of Special Court, Kapurthala. The Special Court shall also put a condition that the appellant shall report in the local police station after every 15 days on 1st and 15th of the month at 10:00 am before the concerned SHO, to ensure that his whereabouts as such are always ascertainable.

7. The present appeal stands allowed, accordingly. Needless to say, the observations made herein are not binding upon the merits of the case.

(RITU BAHRI)
JUDGE

(MANISHA BATRA)
JUDGE

25.09.2023
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<i>Whether speaking/reasoned</i>	: Yes/No
<i>Whether reportable</i>	: Yes/No