



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

**CRM-M-23909-2024
Decided on:-17.05.2024**

Nirmal Singh @ Nimma

....Petitioner..

VS.

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Ruhani Chadha, Advocate,
for the petitioner.

Mr. Ravinder Singh, AAG, Punjab.

HARKESH MANUJA J. (Oral)

1. By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, prayer has been made for grant of regular bail pending trial, in FIR No.188 dated 17.10.2023 registered under Sections 18-A, 27-A, 29 and 21-B of NDPS Act, 1985, at Police Station Dinanagar, District Gurdaspur.

2. Learned counsel for the petitioner submits that the petitioner has been implicated on the basis of disclosure statements made by Jaspreet Singh and Surjit Singh @ Suraj, from whom the alleged recovery of 24 grams of opium, besides a sum of Rs.16,77,600/- being the drug money was effected, whereas, they have already been granted the concession of regular bail by this Court vide separate orders dated 06.02.2024 and 06.03.2024 passed in CRM-M-5337-2024 and CRM-M-10731-2024, respectively.

3. The prayer made herein has been opposed at the instance of learned State counsel while referring to the antecedents of the petitioner, who is stated to be involved in two more cases of similar nature, though he is on bail in those cases. Thus, he prays for dismissal of the present petition.

4. I have heard learned counsel for the parties and gone through the paper book and find substance in the submissions made on behalf of the petitioner.

5. In the present case, investigation already stands concluded with the filing of challan and trial is likely to take some. The petitioner is behind the bars for the past almost 07 months. Moreover, no contraband has been recovered from the petitioner. More importantly, petitioner has been implicated only on the basis of statements made by Jaspreet Singh and Surjit Singh @ Suraj, from whom the alleged recovery has been effected, have already been granted the concession of regular bail by this Court vide separate orders dated 06.02.2024 and 06.03.2024 passed in CRM-M-5337-2024 and CRM-M-10731-2024, respectively. Otherwise, the recovery involved in the present case is non-commercial.

As regards the involvement of the petitioner in two more cases, those also relates to non-commercial quantity besides it, he already stands released on bail in those cases.

6. Considering the aforesaid facts, I do not find any justification to extend the incarceration of the petitioner.

7. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate.

8. It is made clear that this order may not be construed as an expression of opinion on the merits of the case.

17.05.2024
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(HARKESH MANUJA)
JUDGE

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