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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-57678-2024 (O&M)
Date of decision:-12.12.2024

NIRMAL SINGH ALIAS NAIB SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr.Hitesh Verma Advocate, for the petitioner.
Mr. Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J. (ORAL)

Learned State counsel has filed status report in the form of affidavit dated 11.12.2024 of Deputy Superintendent of Police, Sub Division Tapa, Barnala, the same is taken on record, copy thereof, has been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 483 of the Bhartiya Nagarik Surakasha Sanhita (BNSS),2023 for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
83	19.08.2024	21, 29 of NDPS Act	Tappa Mandi, District Barnala

3. Arguments heard.

4. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case and



as per allegations levelled in the FIR, 15 grams of heroin was allegedly recovered when apprehended by the police on 19.08.2024, since then he is in custody. Challan has already been presented in Court and conclusion thereof, will take long time. Hence, prayed for grant of bail to the petitioner.

5. *Per contra*, learned State counsel referring to the reply submitted by the State has opposed the bail application by arguing that recovery of contraband was effected from the person of the petitioner and moreover, he is already having 14 criminal cases registered against him, hence is not entitled to concession of bail.

6. After considering the rival contentions and perusing the record, it transpires that as per the allegations levelled in the FIR, 15 grams of heroin was recovered from the petitioner when apprehended by police on 19.08.2024. After completion of investigation, challan has already been presented in Court, and the conclusion of trial will take sufficient long time to ascertain criminal liability, if any, of the petitioner.

7. Resultantly, without commenting on the merits of the case, it is observed that no purpose would be served by keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. It is further made clear that in case the petitioner is found



involved in any case under NDPS Act, after his release on bail, it will be open for the prosecution to move an application for cancellation of his bail in accordance with law.

9. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

10. Pending application(s) if any, also stands disposed of.

(SANJIV BERRY)
JUDGE

12.12.2024

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |